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THE

HISTORY OF CANADA.

BY

WILLIAM KINGSFORD, LL.D., F.R.S. [CANADA].

VOL. VII.

[1779–1807.]

[WITH MAPS.]

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PREFACE TO THE SEVENTH VOLUME.

I feel it to be my duty to allude to the prospectus issued by me in December, 1891, in which I described the period to be dealt with in this history as including the years of British rule up to 1841. It was in this year the union of the provinces of Upper and Lower Canada took place: a date, only a few years more than half a century from the present time, which may possibly be considered as too near to us to be treated dispassionately. Speaking at that time of my undertaking, I told those who had been good enough to give me their support that it would not "be possible to contract the history of the period to a less limit than four volumes."

This, the seventh volume of the history, is the third of the second series, and I am made to feel that it will be impossible to observe the limit I had imposed upon myself. It is plain to my own mind that five volumes, not four, will be required to carry out my purpose, and that I can only attain this result by careful compression of my subject.

I do not believe that any thoughtful reader of these volumes will attach blame to the writer because his narrative has been thus extended. Equally, I feel that no charge can be fairly preferred against me of having on any occasion introduced unnecessary matter, or that I have improperly dwelt upon events foreign to what my duty prescribed. In this respect Canada is in the peculiar position, that much which happened in the period embraced would remain unintelligible without acquaintance with the contemporaneous history of Great Britain and of the United States.

History cannot be regarded as the mere narrative of a series of incidents dramatically and pleasantly arranged, to furnish amusement for the hour and then pass from the memory, except so far as they may supply topics of conversation. My feeling

has been that the duty I had undertaken would be imperfectly executed if I failed in the essential fact of creating a record which would prove a safe guide for the future. The date to which I purpose to continue my labours is the time when the unlimited influence of the colonial office ceased to prevail. In 1841 Canada became a self-governing province as far as her municipal institutions are affected, her home policy in the future being determined by a ministry responsible to the vote of the legislature. Thus, the class of officials responsible in theory to the governor-general only, but depending greatly on the influence they could command in London, passed away from all active direction of our affairs.

It is important that we correctly know the working of this control exercised by the central home authority, which, if it did not impede, certainly did not advance the progress and prosperity of the province. There grew up in London a distrust of what was asked in the colony at variance with the theories there entertained of what was expedient. These home opinions were obstinately adhered to, not as a consequence of the colonial relation itself, but because colonial sentiment and its requirements were not understood.

No man of capacity in public life in Canada can at this hour suppose that what we may describe as imperial interests ought at any time to be unduly sacrificed to assure the weal of the dominion. On the other hand, it must be plainly understood by imperial statesmen, and by British office holders, many of whom cling to past traditions, that our just and fair claims are not to be set aside in subordination to the party exigencies of the ministry in power in England. Nor should these interests fail to claim consideration owing to the intervention of powerful influences, having the support of imperial officials from motives it is no use weighing or even examining. Any history of the past should clearly trace, as far as it is possible, the relations which existed in the period of our political tutelage, so that we may attribute the disturbing influences then experienced to the right causes, and draw the moral by which in future they may be avoided.

The population of the dominion at the present date is five millions, nearly four times that of the United States at the declaration of independence in 1776. For the last half century the dominion has possessed self-government, accorded in the most liberal spirit, and we have matured within that period many of the theories affecting our political relationship, which, prior to this time, were either imperfect or unformed. We have learned to estimate better our rights and our responsibilities. Our knowledge of the practical science of government has taught us that mere acknowledgment of the existence of a wrong from which we suffer cannot be accepted as the rectification of it. Moreover, as an important element of the imperial system of Great Britain, we understand what we may with propriety ask, the form in which the request may be couched, and the persistence with which the demand may be repeated.

If we desire rightly to act upon this principle, a knowledge of our history, with all the influences having relation to it, is indispensable to the teaching both of ourselves and the imperial authorities. Such a history becomes of value in modern political relationships, not by adding wearisome and often inapposite citations concerning admitted facts, but by so presenting a fair and general view of former times that it may guide us in our future diplomacy. This is the chief point I have kept in view while engaged on these volumes. In this spirit, I have endeavoured to present a record, with its attendant circumstances, which may hereafter prove of practical utility.

In some instances remarks have been made upon the number of these volumes, as if it were a matter of wonder that Canada had any history at all. Such a criticism presupposes the idea that the received examplar of what chronicle we possess should be contained in a small volume of a few pages, in which dates should figure as prominently as events; the latter being related almost as briefly as they would appear in the summary of an almanac. Humbly believing that a very different work is required, not only in the dominion, but by imperial statesmen, and by members of the British parliament who desire to deal fairly and justly with Canada, and generally by the British student of our

history, I have devoted the last eight years of my life to the production of this work, sustained by the hope that it will achieve its purpose, and lead to a just consideration, both of imperial and of dominion obligations on the part of the home government and of Canadians.

Although my labours have been generously and kindly noticed by many of the leading public journals of Great Britain, and attention has been forcibly directed to the volumes which have appeared, and I can acknowledge much sympathy and kindness in Canada in very many quarters, the work itself has in England been considered worthy of notice by an extremely limited number of those who have to safeguard the union of the component parts of the empire. I do not wish to sustain this remark by any statistical statement, but I may express the hope that the interest felt towards Canada and the recognition of her importance as the protagonist province of the outer empire of Great Britain, are in no way typified by the reception which these volumes have received in the mother country, which, in Canada, we still call, and long hope to call, "Home."

W. K.

OTTAWA, CANADA,
10th September, 1894.

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BOOK XXIII.

The Government of Sir Frederick Haldimand to the Treaty of Versailles.

Vermont Negotiations.

THE HISTORY OF CANADA

FROM THE EARLIEST DATE OF FRENCH RULE.

CHAPTER I.

I have mentioned in the previous volume * that at the meeting of the council in November, 1778, owing to the extremely high price of wheat and flour, all export of these cereals after the first of December had been forbidden, unless permission were obtained. There was in reality no scarcity to justify this advance. The fact is clearly stated by Haldimand, who, when bringing the matter to the notice of the British government, † attributed the result to an express having been sent from Halifax to a known Canadian mercantile firm to enter into a combination to maintain it.

Aided by several of the traders in Canada, the parties addressed undertook as a commercial speculation to give an artificial value to wheat and flour, so that they would be obtainable only at a most extravagant price. As the government was the principal buyer for the supply of the troops, the object was to force the commissaries to submit to this exaction, in order that the firms active in the intrigue and their friends could make large sums of money. In less than a fortnight, wheat rose from four shillings to four and sixpence a bushel. With the advice of the council a proclamation against forestalling was published. The crop in the district of Quebec in 1778 had not been good ; but there was

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* [Vol. VI., p. 487.]

† The narrative of these events is contained in the letter of Haldimand to Germain [Can. Arch., B., p. 354, 25th October, 1780.]

no complaint of its character in Montreal. Nevertheless, by the artifices of these speculators, wheat reached the price of ten shillings a bushel, which at the present value of money would be four dollars.

The magistrates of Montreal and Quebec had great difficulty in inducing the bakers to continue their calling; indeed, there was difficulty in procuring flour for daily consumption in the towns. With an ample supply of wheat and flour in the country, families were being threatened by famine. Bread, the ordinary food of us all, was becoming a luxury, and, like all luxuries, obtainable only by those who could pay for it. All classes with limited means, and they must always include the majority, suffered privation. So much anxiety was created, that on the meeting of the council in May, 1779, the extremely high price of wheat and flour became the matter of serious deliberation, especially in its relationship to the production of bread for daily use. It was then agreed, that the bakers should be required to enter into recognizances for the due performance of their calling, and that they should receive every reasonable support from the government. Further, that the assize of bread should be regulated by the price of flour; the magistrates were likewise directed to inform themselves of the cause of the extraordinary advance in the prices of wheat and flour.

Every artifice was resorted to by the holders of wheat to maintain its exaggerated market value. Agents passed through the parishes, ostensibly as buyers, to give every encouragement to the farmers not to sell, assuring them the value would increase. This course was particularly followed on the river Richelieu. Having its source in lake Champlain and passing by Chambly, it was the direction that an army invading Canada would follow. Some of the traders interested in maintaining the price were regarded as disaffected to the government and as favouring congress. In consequence, Haldimand inferred that their pertinacity in the maintenance of high prices had more significance than the desire of profit. Should the invasion take place, the farmers in the parishes

on the line of march by keeping their grain in possession were furnishing, more or less, a granary to sustain the troops of the invading force. Their stores gave an assurance of supplies on that event taking place.

The poor of the towns suffered greatly from the excessive dearness. To many bread became known but by name. It had been hoped that the harvest would improve matters, but no change was experienced; public expectation was therefore turned to the legislative council in the hope that it would interfere and give some relief. Wheat was then ten shillings a bushel, flour forty shillings a barrel, and it was hoped in some vague way that the council would act with decision.

The council met on the 27th of January, 1780. The committee, appointed to report upon the situation, recommended an ordinance forbidding the export of wheat for a further special period, and the renewal of the proclamation against engrossing. This limited restriction being considered as incapable of effecting the benefit desired, and as actually there was no scarcity, it was proposed to extend the term of non-exportation until the new crop was harvested. The proposition led to great altercation. The members opposed to this course contended that the proceeding was illegal; that the council, under the Quebec act, had no authority to levy taxes; and that arbitrarily to take steps to determine the price of flour was identical with such legislation. The matter was referred for the opinion of the attorney-general Monk.* He coincided with this view; but his opinion was so peculiarly and vaguely worded, as to shew that it was founded more on the form in which the question was submitted to him, than in itself an abstract conclusion as to the legality of the course involved.

It was then proposed to take the views of the council on the legality of the measure. By the majority of one the decision was adverse.†

* Monk's opinion on the subject is to be found [Can. Arch., Q. 17.1, p. 311]. That of Williams, which held that the council had the power to fix the price of wheat and flour as a matter of local police, is given [Can. Arch., Q. 17.1, p. 318].

† The ayes for its legality were: Mabane, St. Luc, Bellestre, Gugy, Fraser,

When the vote was taken, no desire was expressed of placing on record the reasons for dissenting from the view of the majority. On a subsequent occasion, three of the minority asked to inscribe on the minutes the ground of their disagreement. Such a record on the minutes would have brought to the notice of the law officers of the crown in England the legal rights of the council in the emergency. The proposal was rejected, on the plea that it was at variance with the form followed in the council, an objection in itself frivolous, as there was no regulation in the council *quoad* form on any subject. The paper was, however, filed. The measure proposed was generally regarded as the one which could alone control speculation, and hence the opposition to it. Its legality was undoubted; it was, moreover, in every sense expedient, for it would have reduced to their just proportion the prices of the necessaries of life, which had been abnormally increased only by combination and contrivance.

The high prices, accordingly, continued for some months to the benefit of those who were maintaining them. The demand could not, however, be continued, for the harvest gave indications of being abundant; consequently, in August they commenced to decline, and by degrees the cause of discontent disappeared.

Haldimand clearly acted upon the dictates of his duty. In this case it was twofold; to secure cheap bread for the people, and to provide for the support of the troops, without the public purse being defrauded to pay the extreme prices exacted by the speculators. The course proposed would have been acceptable to the French Canadians. It was defeated, for it was distasteful to the majority of the council, many of them being engaged in operations in wheat.

To prevent any further attempt at erecting artificially high prices an ordinance was passed against the exportation of wheat for two years. An ordinance was likewise proposed

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Caldwell, St. Ours, Longueuil, Baby and Holland—10. The nays: Cramahé, Finlay, Dunn, Cuthbert, L'Evêque, Collins, Pownall, Allsopp, de Léry, Harrison and Grant—11.

against forestallers. When this question was under discussion, Haldimand submitted the matter to the attorney-general Monk, and received from him a written opinion that the statute of Edward VI. was in force in the province. Assured of the fact, Haldimand issued a proclamation declaring its provisions would be observed. It was of greater importance to act upon this principle, for by it offenders were not subjected to the verdict of juries, but were liable to conviction before the justices of the peace at the quarter sessions. Haldimand's remarks suggest that it would have been difficult to obtain any conviction; he writes, "The old subjects who give the tone in juries are traders, and few of them have any objection or scruple to get money, whether by Ingrossing, Forestalling or Regratting."*

The council likewise passed an ordinance in the form of the governor's proclamation, including in its provisions milk and flour. It gave great umbrage to Cuthbert, L'Evêque, Allsopp and Grant. The ordinance was ready for publication, when fortunately it was discovered in Montreal by an attorney engaged to defend a person prosecuted for violation of the proclamation, that the act of Edward VI. had been repealed.

The council, in accordance with the provisions of that statute, had inflicted the penalty of the pillory upon those convicted of its non-observance. The discovery that the statute had been repealed dictated a change in the provisions of the ordinances. The Quebec act limited the powers of the council to the infliction of fine, and three months' imprisonment; it was necessary to obtain the royal approbation for any more severe punishment, before it could become law. The council was, therefore, restrained within this limit; Haldimand strongly expressed his dissatisfaction with regard to the conduct of the attorney-general on this occasion.

Haldimand's effort to obtain good government in another direction met with great opposition. He recommended for the consideration of the council the regulation of fees exacted by officers of the government, and those payable in the courts

* [Can. Arch., B. 54, p. 365].

of law. The latter bore heavily on the people, and had become the cause of much complaint. Haldimand represented, that debts generally remained unpaid from the inability of the debtors to meet their obligations, rather than from any desire to evade them. Such may generally be considered the result of the experience of all time, here and there modified by the dishonesty of an unscrupulous debtor, when self-indulgent or reckless. The excessive cost of law had become so great a burden as to demand the interference of the government to restrain and adjust it.

Carleton, in 1770, had regulated the fees of the officers of the crown, but the order issued by him in 1774 had ceased to be observed except in the common pleas; the passage of the Quebec act had annulled the authority of his regulations. He had therefore seen the necessity of taking further action in this direction, and in 1775* had brought the matter before the council. Owing to Livius' conduct on this occasion, the council had been prorogued, and no ordinance had been passed. Under any circumstances, the determination of fees on a basis satisfactory to those who are to pay, and to those who are to receive them, is not a matter of easy arrangement. In this case, greater complications followed from the circumstance, that the officers whose fees were to be adjudicated were members of the council. The principal opposition came from Livius the deputy Surrogate of the admiralty, and Monk the attorney-general. The former declared that the fees of his court were beyond the power of the council and could be established only by the court in England. He was, however, silenced by the production of an official letter to the effect that the king had allowed the judge of the vice admiralty court a salary of £200 a year in lieu of all fees.

The attorney-general claimed all that his predecessors enjoyed, including the fees receivable from the Leward islands. In this contention he was supported by Finlay, Cuthbert, Allsopp and Grant. The ordinance, however, was passed and received the governor's assent. It was the best arrangement

* [Vol. VI., p. 443.]

he could effect in the opposition he experienced. He has left the opinion on record that the "fees are in general by far too high, and more than the people of the province can bear."

The condition of the post-office also exacted attention, and an ordinance was passed regulating it. There was a strong opinion that during the war it should be annexed to the quartermaster-general's department and remain under military supervision. Finlay's influence in the council decided, that he should continue to direct it. Authority was, however, given to the government for the appointment of inspectors, consequently control could still be exercised on the operations of the office. Finlay, who corresponded with Germain, had communicated to him a plan for superintending the post roads, and had applied to be appointed postmaster-general. He was one of the many in the province who furnished Germain with information, and his communications appear generally to have taken the form which would be acceptable in London. Haldimand felt himself called upon to explain in his letter to Germain, that the views expressed by Finlay were not in accordance with what had taken place. Finlay's application had been referred to Haldimand, who reported against the creation of such an office. He pointed out that the only places at which any correspondence was carried on were Quebec and Montreal, and that Three Rivers and Sorel lay in the line of communication between them, and that there was a regular post twice a week, with a post to Chambly.

Finlay had also suggested a route by the Kennebec to Penobscot, to communicate with Clinton. Haldimand expressed the opinion that such a line of communication was not feasible.* Finlay was one of the clique who opposed the governor-in-chief on many important occasions. He may have felt that he owed Haldimand no good will for the non-acceptance of his views. His conduct certainly conveys that impression.

In Haldimand's speech to the council he mentioned that he had received the additional instructions of July the 16th,

* Can. Arch., B. 54, 13th September, 1779.

1779, and they were communicated to the council on the 28th of January, 1780; whereupon Allsopp moved an address to the council, asking the governor to communicate any other instructions which he had received. *

The council gave no support to this motion, and voted it down by a large majority. It was regarded by many present as wanting in decency and decorum, and was even a covert attack on the governor. It was well known to members of the council, that while Livius and those who sustained him were asking for the production of Sir Guy Carleton's instructions, they were in possession of the papers.

Although this motion had been rejected, Haldimand sent a message to the council that he did not think it advisable to submit to the council any further instructions he had received, and that he would give his reasons for so acting to the king.

Caldwell moved that the question should be put, whether

* Haldimand has given us a portrait of Allsopp [B. 54, p. 384] which does not create a prejudice in his favour. He had been many years in the province, and from the earliest time had been remarkable for his bad spirit. When in 1764 the robberies at Quebec were a constant source of complaint, Murray gave an order that everybody in the streets at night should carry a lantern. It was a measure suggested for the public security, and desired by the inhabitants. Allsopp appeared in the streets with a lantern without a candle. In accordance with the regulation, he was stopped by a sentry. Allsopp commenced a suit against the man, who was convicted by a jury at the first quarter sessions. It was the commencement of the bad feeling which grew up between the military and the civilians. Allsopp had been a leading spirit in the unwarrantable presentment of the grand jury of Quebec in 1764, which declared that that body alone represented the province and that it had the right to be consulted before any ordinance passed into law; likewise making the demand that the public accounts should be submitted to its members, with other absurdities. [Ante., Vol. V., p. 154.]

He had been an opponent of the Quebec act, and had continued in his turbulence. Carleton, in the hope of quieting him, gave him the appointment of registrar and clerk to the council, a position which had been refused him by Murray. When Pownall was appointed to these positions, Allsopp ceased to enjoy them, and to indemnify him in some way for his loss, he was appointed to the council. His nomination to the position was looked upon with dissatisfaction by the friends of the government, for he was distrusted, and suspected by them of disloyalty. He was the friend and relation of men who had actively engaged in the cause of congress: of Walker, of Wells, who was Allsopp's partner, and of the Benfields, who were his brothers-in-law. Allsopp was one of those spirits of evil who always introduce discord and trouble.

the passage of an ordinance agreeably to the instructions of the 16th of July would contribute to the good of the people, and lead to the speedy and impartial administration of justice. It was decided that it would not, and an address to the governor setting forth the reasons of this opinion was voted.

It was presented on the 7th of March. Haldimand, although convinced of the "strength and truth of the reasons," took exception to the form in which they were expressed, and referred the address back for consideration. Its language was therefore modified. Caldwell moved that the original address should be expunged from the minutes. Finlay, Allsopp, and Grant asked that it should remain on record, and this request was agreed to.

The ordinance in question was one for the reconstitution of the court of appeal, removing appeals from the council to the court, constituted in accordance with the recommendation of the privy council. Objection was taken not to the change itself, but to the period when it was proposed, being the time of war, when the fear of an invasion by the congress troops, with a large force of the French, was strongly felt. The council was nearly unanimous: the four dissentients were Finlay, Pownall, Allsopp, and Grant, and these all differed in their views. Finlay and Pownall recommended that it should be deferred for a year, the former with certain changes. Allsopp and Grant supported the publication of the ordinance without delay, Allsopp recommending that when the votes of the judges were equal, the eldest member of the council should be added to the bench and the case reheard.

The responsibility which bore the most heavily upon Haldimand in these trying circumstances was the defence of the province. He could gain no reliable information concerning the operations of the war in the southern provinces, by which his own conduct could be guided, and he had no certainty on whom in his own government he could rely. The British and German troops under his command, that he could bring into the field, alone constituted his strength, and he was oppressed by the conviction how insufficient they were to

withstand any powerfully organized force. In this crisis Canada was more indebted to the current of events which, in the view of congress, made an invasion by French troops inexpedient, and without this aid no invasion was possible, than to her own power of resistance, or to the foresight exercised in the mother country for her defence. It was not the sense of the strength of the province or lukewarmness in the sentiment which had dictated Montgomery's expedition that deterred congress from the attempt, for Canada continued to be a coveted possession. Until 1780, the project was warmly entertained, and an influential party in congress ardently desired that the attempt should be made, if it were only to wipe out the memory of 1776.

In 1780, Hazen, accompanied by four Indians and some French Canadians, traced a line from the settlements of Vermont to the Saint Francis, with the view of determining the line by which an expedition could most favourably enter the province. They were accompanied by one Traversy, an active French Canadian agent of congress. Several attempts had been made to arrest this man in his frequent visits to his family, for his intrigues were known, but those who sympathised with his opinions made the capture impossible. The subordinate agents, concealed by their obscurity, thus received continued incentives to activity, and they kept the country in a state of agitation by their prognostications of an immediate attack.

D'Estaing's proclamation had been issued from Boston in November, 1778, and in no long time it was known throughout Canada. It was addressed purely to French feeling, and its effect penetrated within every household. It mysteriously appeared on the doors of the parish churches, almost simultaneously, shewing the sentiment with which it was welcomed.

Affixed to the church at Saint Ours, it was brought by the *curé*, M. Porlier, to the officer commanding at Sorel. It was the only report of the character made, notwithstanding the extent of the dissemination. Neither ecclesiastic nor seigneur considered it a duty to convey information on the subject to

the government. The feeling awakened throughout Canada by d'Estaing's appeal was a strong desire to be re-united to France. I have alluded to the effect of this paper on the British provinces in revolt; how the abler leaders of congress, awakened by Washington's prudence and foresight, looked upon this appeal with suspicion; and I have expressed the opinion how wisely Washington judged, for the sentiment called forth in Canada was purely the re-awakening of the ancient traditions of the people, and in no way were they friendly to congress. *

Nearly twenty years had passed since the French Canadians had become British subjects. The 60,000 of the population had increased one-third or more in number. At the period of the conquest they lived in poverty, many in privation. They were without schools; without education. There was no printing press in the country. All the instruction which the *habitants* received was with regard to the duties of their religion. There was no outer world to them. The general population had lived in hopeless obscurity, subjected to military service and the constant *corvée*. They had no knowledge of political liberty, and had no aspirations for its possession.

In the intervening period the French Canadian *cultivateur* had become a different man. He had learned the blessing of political freedom. His time had been his own; there was no exaction of military service; when he laboured for the government, he was paid for the work he performed. He had become prosperous and rich, and had attained to a better condition in every circumstance of his life. He was better housed, better fed, and better dressed. The letters of the Brunswick troops sent to Germany establish the well-being and the comfort under which the French Canadian then lived. The fact is also shewn by the improvement visible in the churches, many having been repaired and rebuilt, and others newly constructed. French Canadian life had assumed a new character. The observance of their customs was continued without restraint; their laws had been maintained by the British

* [Vol. VI., p. 331.]

government against all opposition, and it had not been slight; their religion was fully recognized to the extent that it was binding on those who professed it. No people were ever more considerately treated, or more fully enjoyed the protection of a beneficent government. There was no ground of discontent or even of complaint; for the majority had increased in wealth and consideration, and were enjoying a condition of ease and comfort unknown to their ancestors under French rule, with the depressing influences which attended it.

In the invasion of 1776, the most devoted loyalists had been the clergy and *seigneurs;* in 1780 this feeling, if it at all existed, was torpid and chilled by the hope of being re-allied to France. Prominent among the clergy who testified that they were alienated from British interest, and who became active assertors of French sympathies, was one de La Valinière. He was French by birth, and had arrived in the province only in 1776. He had been admitted as a member of the seminary of Saint Sulpice, and was subsequently appointed to one of the best *cures* in its gift. He made himself so conspicuous in his furtherance of the French cause, in openly advocating some measure being taken to aid in an invasion, that the ecclesiastics of the seminary considered themselves compromised by his conduct, and brought the matter to the notice of the bishop. The bishop removed him from his *cure* to one where he would be less mischievous; at the same time, to one less lucrative. The proceeding so exasperated de La Valinière that he openly quarrelled with the bishop, and threatened to sue him in a court of law. He is described as being "fiery, factious and turbulent, in no way deficient in point of wit or parts."

To prevent the mischief arising from his agitation, de La Valinière was arrested, with the consent of the bishop, and sent to England by one of the vessels then leaving. It was thought that this step would lead such of the clergy as partook of his opinions to be more circumspect. From the time of the knowledge of the French alliance, and the active form it pre-

sented, a change had taken place in the feeling of many of the body, and by their influence it was communicated with more or less force to the whole French Canadian population.* Haldimand recommended that de La Valinière should not be permitted to return to France, but that he should be kept in seclusion in some remote part and be well treated, as he would seek every opportunity to serve France and act injuriously to British interests. †

Simultaneously with the proclamation of d'Estaing, La Fayette issued an appeal nominally addressed to the Indians. It was generally disseminated ‡ in Canada, and its effect upon French Canadian feeling was admittedly disquieting.§ It was a strong appeal to French traditional sentiment, as applicable to the Canadians as to the Indians, although covertly expressed. Their fathers had been told by the French on leaving Canada that they would again re-appear to make war on their enemies; they would remember the promise made to join them against the English; a promise coined from the mint of La Fayette's fancy for the occasion. The French were now keeping their word; the Indians were to keep theirs. The English had enveloped them in falsehood as with a fog, so that they could not see what was true. The French had at this time approached so near to them that they could not fail to recognize their fathers.

La Fayette then commenced coolly to relate, that the con-

* Haldimand to Germain, 25th October, 1781. "However sensible I am of the good conduct of the clergy in general during the invasion of the Province in the year 1775, I am well aware that since France was known to take part in the contest, and since the address of count d'Estaing and a letter of monsieur de la Fayette to the Canadians and Indians have been circulated in the Province, many of the Priests have changed their opinions, and in case of another Invasion, would, I am afraid, adopt another system of conduct" [Can. Arch., Q. 17.1, p. 195.]

† The fate of de La Valinière was unfortunate. We learn from a letter from lord Hervey to Germain [Can. Arch., Q. 17, p. 80, 17th March, 1780] that when on board the "Lenox" at Cork, he was attacked by fever. On the arrival of the ship at Portsmouth he was taken to the hospital, where he died.

‡ The proclamation of d'Estaing was dated the 30th November. The address of La Fayette the 18th of December, 1778; both from Boston.

§ [Can. Arch., Q. 17, p. 175. Haldimand to Germain.]

gress troops had taken Philadelphia, that they had beaten the English at Monmouth, that the French fleet had put the English fleet to flight, and that they had captured several frigates and all sorts of ships.

The French king had entered into a treaty with the Americans; he had sent his fleet to their aid, and an ambassador to represent him at Philadelphia; that the king desired to join Canada to the thirteen states, and had promised succour to the Canadians.

The French flag had triumphed in the British channel.

He had heard that they were attached to the English, and that they had been deceived by falsehood. They had now to return to their ancient feeling to give aid to France, and remain the friends of their father the king.*

This address was rapidly distributed throughout Canada and in the west, especially in the country of the Illinois and of the Miamis. It found its way at the same time to the neighbourhood of Detroit. The promised appearance of the French operated on the sentiment of many of the tribes, so that they refused to join in expeditions when their service was called for. With the hope of increased presents and greater consideration, they anxiously looked for the re-establishment of French power, and a large majority would have joined a French detachment immediately it appeared.

This changed feeling of the Indians led Haldimand to look with great suspicion on the greater demand for passes to carry on the Indian trade. At this date the agents of congress were exceedingly busy; many were known, for they had become prominent from their activity. Vanity, and a sense of personal importance in several cases, led to a display of their sentiment, and disclosed their co-operation in the intrigues into which they had entered. The fact must be remembered in the examination of the arraignment of Haldimand for his arrest of the few active partisans of congress who obtained notoriety by their conduct. It is a matter hereafter to be specially considered. Many of the minor agents

* [18th December, 1778. Can. Arch., Q. 161, p. 105.]

were obscure, and escaped detection. They were, however, not the less active, a fact attested by the immediate dissemination of the proclamation of d'Estaing and La Fayette's address.

The fact of so many applications for passes for the west, totally in excess of the requirements of the trade, which owing to the war had greatly diminished, created suspicion that supplies, of which they were in much need, were being conveyed to the congress troops. The avowed design was to obtain furs and Indian commodities, in exchange for rum and goods sold at exorbitant rates. The preservation of the country formed no part of the ethics of the trader. Haldimand felt it his duty to limit the number of licenses. It was represented to him by those interested in the applications that the restriction would alienate the Indians; a result which, in carrying out his policy, he endeavoured to avoid.

The consequence was, that letters were immediately sent to lord George Germain complaining of Haldimand's policy as mistaken, and attributable to his want of judgment, and to his personal partialities. It was the ordeal through which all had to pass who were placed in official relationship with Germain. He encouraged subordinate officers to write to him, and to regard him as alone being the source of patronage whence advancement could be obtained. It may safely be said, that writers of such letters never commit unpleasant tidings to paper. As their correspondence is suggested by the benefit which they themselves will derive from it, so they contrive to shape their text to the form most agreeable to its recipient. To such a height was this carried that Haldimand felt called upon to appeal to Germain on the subject.*

* This protest retains its teaching for men in Germain's position. "I have therefore to hope that your lordship will communicate to me without reserve all representations, whether civil or military, that may be made to your lordship from the Province, that do not reach you through the channel of my command, and likewise that your lordship will not give your countenance, particularly in the present situation of affairs, to any applications that may otherwise approach you (for if designing or interested men, and such there are without a possibility of your lordship knowing them) find they are permitted to state circumstances and offer

In the matter of the trade passes Haldimand vindicated himself from the charge of partiality, and sustained his view of the necessity of the regulation by the report of colonel Sinclair, the governor of Michillimackinac.* Sinclair wrote that half of the merchandise sent up would purchase all the furs, and that £40,000 worth of goods remained unexchanged. The traders were unwilling to submit to any restraint, and it was perfectly easy to forward supplies to the congress troops by lake Superior and the Mississippi.

In June, 1779, reports had reached Canada of an intention to invade the province at Detroit to the west; at the same time by the Mohawk river to Oswego, a force would descend the Saint Lawrence; while a third would follow the Saint Francis to eastern Canada. Further anxiety was created, owing to the intelligence of these contemplated hostile proceedings being known throughout the parishes before it had been communicated by the agents of the government. In connection with these reports, it was foretold that a French fleet would ascend the Saint Lawrence to carry all before it. The story was so pertinaciously repeated that it was everywhere believed. The sympathy of many of the French Canadians was shewn by their anxiety concerning the vessels which arrived. From the general expression of feeling at this date, extracted from Haldimand's letters, there was one common opinion that if any serious reverse had been experienced by the British the whole country would have risen in arms against the government; an opinion, added Haldimand, not founded upon distant and precarious intelligence, but upon a precise knowledge of the general disposition of the habitants.

What made the situation more trying was the exhausted condition of the salt provisions. On the 15th of June, there

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opinions without communicating them first to me, it will not only be a source of continued Trouble to your lordship, but create and encourage discontent here already too easily Fomented."

[Haldimand to Germain, 28th January, 1780. B. 54, p. 272.]

* [Can. Arch., B. 97.2, p. 356.]

was not sufficient for a month's supply. No vessels were arriving. Any large body of troops entering the province in French uniforms would have thrown the whole of Canada into confusion, and the government was in dread of being deserted by the entire population. The news from Halifax was not more cheering. It was known that there were several privateers in the gulf, strongly manned and armed, threatening the Canadian fisheries and all vessels not under convoy, and there was no naval force to oppose them.

A painful event took place on the 22nd of May, 1779. Mr. John Stiles, master of H.M.S. "Viper," under the command of captain Augustus Hervey, when engaged with a press-gang in a scuffle which took place, had the misfortune to kill a seaman on board the "Retrieve," from Jamaica, bound to London. Stiles, who was in command of the "Viper" in Hervey's absence, refused the admiralty marshal admission on the vessel, and made his escape down the river. The event caused much excitement, and Haldimand was called upon to intervene. Active steps were immediately taken for Stiles' arrest, and on the officer with the warrant meeting him, he surrendered and was confined. Public feeling became much modified. On his trial, Stiles was found guilty of manslaughter. Owing to the peculiar circumstances of the case, the prisoner not having been actuated by private malice, and the judges having authoritatively declared the king's right to impress in the time of war, Haldimand granted him a pardon.

The threatening aspect of events, as they have been described at the commencement of 1780, offered little guarantee for the continuance of Canada as a British province. Weakly garrisoned in the sense of capacity to resist attack, threatened both from the west and the east, the French Canadians no longer entertaining the loyal feeling which two years previously had been so strongly displayed by the clergy and the higher class, numbers of active and unscrupulous sympathisers of congress scattered through the country on all sides, there was ground for dread of an approaching calamity. Those charged with the defence of the province were made to

feel the trying nature of the duty they had to fulfil. We must keep this situation in view, when we undertake to estimate the zeal and ability with which Haldimand performed his onerous obligations.

I have dwelt upon the fact how impossible it was for him to learn what was happening in the southern provinces. The reports which reached him by no means tended to lessen his anxieties. They rather encouraged expectation that active operations would with little delay be undertaken against the province. In this position of danger and uncertainty he never faltered in what he held to be the true performance of his duty; undeterred by the limited support accorded to him in London; by the opposition he received in the Quebec council; by the personal unpopularity which many of his acts called forth, and by the more painful feeling that the bulk of the French Canadian population had become alienated from British rule, under which they had lived so prosperously. He exerted himself with wisdom and determination to assure the welfare of the whole community, and, while guarding the province against invasion, he strove, as far as in him lay, to protect every interest.

The facts which establish the views I am expressing are incontrovertible. Nevertheless, the character of Haldimand has been persistently assailed. He has been represented as in no way recognizing the principles of constitutional government, and, as a ruler, naturally harsh and austere, who, from an unrestrained love of arbitrary power, was ready to persecute on the slightest provocation. The vindication of his government is completely established by the records in which his acts are narrated. It was fortunate for the tranquillity of the province that a man of his well regulated and undemonstrative firmness was placed in the position he held. He did not magnify the difficulties with which he had to contend, but met them calmly and resolutely with unfailing judgment. However severely his acts may be judged, not a single one calls for reprobation as even inexpedient; and his personal conduct during the trying times of his government remains

entirely unassailed for any departure from integrity, for any want of truth, or for the least unworthy furtherance of his own interests. The history of his government is a sufficient reply to the trumpery, unsubstantiated statements of a writer like du Calvet, whose account of himself is throughout based upon falsehood, and who, with the other agitators of his day, was deservedly kept in prison.

I will hereafter have to speak in detail of the material traces of his presence which Haldimand left behind him in the province. I may so far allude to them here as to say, that under his administration the citadel of Quebec was designed and begun; that it was he who constructed the first small canals to overcome the rapids of the Saint Lawrence, the Cascades, Cedars and Coteau, which remained in use and brought a fair revenue until the opening of the Beauharnois canal in October, 1845. He may be regarded as the very first man in Canada who introduced the love of gardening. He laid out the public gardens in Quebec. The handsome residence at Montmorenci Falls, and the gardens, as they exist, were in the first instance his work. Madame Riedesel gives a most pleasing impression of his character. She tells us how she taught Haldimand to pickle cucumbers, and how through him the art, if such it may be called, became generally known in Canada.* It was Haldimand also who constructed the chateau de Saint Louis, on the present Durham terrace, as a residence for the governor, which unfortunately was destroyed by fire in 1834.

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* Madame Riedesel thus speaks of Haldimand in 1781-2. "Man wollte uns Misstrauen gegen ihn einflössen, wir hörten aber keinen an, und gingen offenherzig mit ihm um, welches er uns desto mehr Dank wusste, da er ein solches Benehmen dort wenig gewohnt war. Es waren grosse Veränderungen im Gouvernements-Hause gemacht worden, das vorher einer Baracke ähnlich sah. Er hatte es auf englischen Fuss meublirt und eingerichtet, und ob er gleich nur erst 5 Jahre da war, so waren doch seine Gärten schon voller trefflicher Früchte und fremder Gewächse, von welchen man nicht geglaubt hätte, dass sie in diesem Clima fortkommen könnten. Er hatte aber die Lage gegen die Sonne gut benutzt. Das Haus lag auf einer Anhöhe und fast ganz zu oberst." [p. 290.]

"Alles wuchs in unserm Garten vortrefflich, und alle Abend gingen wir

Haldimand's term of office requires only to be carefully studied and his conduct truly considered, to prove how utterly reckless and unjust are the accusations against him that have been repeated to the present day. It may confidently be predicted, that his high sense of duty, his truth, and his useful and honourable life will obtain for him the distinguished mention in Canadian history to which he is fully entitled.

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hinein und pflückten 150 bis 200 Gurken, von welchen ich Salzgurken machte, die man dort nicht kannte, und wovon ich allen Leuten Geschenke machte, besonders unserm guten General Haldimand, der sie vortrefflich fand." [p. 297,] [Berufs, Reise nach America.]

[There were those who were desirous of creating in our minds a prejudice against him (Haldimand) but we in no way listened to them, and met him frankly; behaviour the more appreciated by him, as he was little accustomed to it. He had caused great changes to be made in the government house which, previous to his day, had the appearance of a barrack. He had it established and furnished in the English manner, and although he was there only five years (when Madame Riedesel wrote, 1782, Haldimand had been but four years at Quebec) his garden was full of excellent fruit and vegetables introduced from abroad, which, until that date, had been regarded as incapable of being produced in this climate. He had with skill availed himself of the southern aspect. The house was upon a height almost at the summit.]

[Everything grew plentifully in our garden and every afternoon we went and gathered from 150 to 200 cucumbers which I pickled in that form, then unknown in Canada. I made presents of them in all directions, especially to our good general Haldimand, who found them excellent.]

CHAPTER II.

One of the first duties of Haldimand after assuming the government of the province in June, 1778, was the improvement of the navigation of the Saint Lawrence to Carleton-island. He had established a post at this point in view of commanding the eastern approaches to lake Ontario, and it was equally a necessity to assure a good channel by which the island would be accessible. The consequence was the establishment of the early canals between lakes Saint Louis and Saint Francis,* the remains of which may be still traced. They were the forerunners of that incomparable system of canals for which Canada is renowned. There is always a satisfaction in establishing the starting points of great events, and in tracing back the several stages through which a successful enterprise has passed to its development. We are in this case enabled to do so with tolerable accuracy; and although we do not possess in completeness the perfect detail of the work, it is possible generally to describe it with correctness.

This improvement of the channel was begun in 1779, the effort being directed to the removal of obstacles in the shallow water situate near the shore. While passengers at that date travelled by canoe, with which *portages* could be readily made, the heaviest freight was carried in the *bateau* then a stoutly built craft of from eighteen to twenty feet long, about six feet wide, with a draught of two feet, capable of carrying about three tons, equal to thirty barrels of flour: at a later date the Durham boat came into use. Their light draught enabled them to follow the river side in the spots

* I refer my readers to Vol. VI., p. 169, for the description of these Rapids; the obstructions to the navigation of the Saint Lawrence are there set forth in detail.

where, in mid-stream, the current was insurmountable. Consequently, the first improvement was to obtain a sufficient channel near the river bank. Some projecting points could only be passed with extreme difficulty; at these the early canals were constructed.

The first of the number was the canal at Coteau du Lac. The earlier canal, the location of which to-day is traceable, followed the shore line round the point which projects into the Coteau rapids. Originally it was formed with three locks, having a width of six feet at the gates. The canal remained in use until about 1801, when it was enlarged to a width of nine feet six inches at the gates. In 1817 a second Coteau canal was carried across the point, which entirely avoided the worst features of the rapid. The remains are still extant; the works, however, are in a ruinous condition. The length of the canal was 400 feet, excavated in rock, with a depth of four feet on the sills at lowest water. There was one lock, with a lift of seven feet, with guard gates at the entrance. The lock chamber, as it is now seen, is 104 feet in length, with twelve feet six inches width, at the gates. In connection with the first canal a fortified block-house was built for the defence of the works, and for the safe keeping of the prisoners of war confined on the neighbouring island to the south, still known as "Prisoners' island." The original canal, constructed west of the point, was commenced 1779, and finished in 1780, for the engineer in charge, captain Twiss, of the Royal Engineers, reported it complete for traffic early in 1781.*

Haldimand's design in the construction of the canals was, no doubt, primarily to make practicable the passage of food and military stores to the western ports, then constantly threatened and constantly needing supplies; but he also saw that the works would offer great facilities to parties in Montreal engaged in the western trade. With this conviction he instructed Twiss to call a meeting of those interested, and point out the advantages which these improvements would

* 15th February. Can. Arch., B. 154, p. 316.

confer. Stating his intention to extend the works, he asked a contribution from each *bateau* on its passage upwards. All present accepted this view, and with great cheerfulness consented to pay a charge of ten shillings for each ascent.* The † consequence was that the tolls received in 1781 was £132 5s., equal to $529.

During 1782–3 two additional canals were constructed: one at Cascades point, where a shallow and rapid channel discharges into the Ottawa from the Saint Lawrence, known as "Les Faucilles," between the main river bank and île Le Moine. It was the water-way followed by the *bateaux*. There was one or more locks, the canal being of about 600 feet in length. It was known as the Cascades canal.

A second lock, with a short canal, was constructed of the same dimensions at some quarter of a mile higher up, at a spot known as "The Mill Rapids." The lift was not of much account, the design being principally the avoidance of the extreme swiftness of current.

In 1783 the lock at "Split Rock" was completed at a point where the current is much accelerated by the projection into the stream of "Pointe au Buisson," on the southern bank. The distance is about two miles from the foot of the rapids. The remains of this lock are still traceable.

At the same time, where feasible, the channel was improved by the removal of boulders and any rock *in situ*. These locks remained unchanged for nearly a quarter of a century, during which period they formed the only artificial links in the navigation of the Saint Lawrence. About the year 1800, they attracted attention by being somewhat out of repair, and being found insufficient for the increasing trade. Certain changes were then recommended and eventually carried out, the width of the locks being increased to nine feet six inches, so as to admit a larger sized vessel, the depth being increased to four feet. The revenue in this period had also considerably increased, that of 1797 exceeded that of 1796, that

* [Can. Arch., B. 154, p. 353. Twiss to Haldimand, 3rd December, 1781.]
† [Can. Arch., B. 154, p. 318. Ib., 19th February, 1781.]

year being double the revenue of 1795. The receipt of tolls was estimated at $2,400.*

An improvement of some magnitude was therefore proposed, the construction of a canal at Cascades point from the Saint Lawrence to the Ottawa. It was projected to start above the two lower locks so they could be abandoned. The location selected was immediately at the foot of the slight hill which rises abruptly from the denuded rock of Potsdam sandstone. The length of this canal is 1,600 feet, with two locks 120 feet long by twenty feet width in the chamber, to admit several boats and thus save lockage; the width at the gates was nine feet six inches. The difference of level between the two rivers varies with the season, the mean difference, however, at this place has been established at about thirteen feet. There was consequently this average height to be overcome between the Saint Lawrence and the Ottawa by the two locks.

This canal does not appear to have been used until 1806, when the lower canals at "Mill Point" and the "Faucilles" were abandoned.

There then remained the three canals, "The Cascades," "The Split Rock" and "Coteau du Lac." Between 1814 and 1817 the locks were enlarged, the width at the gates being increased to twelve feet. They continued to be the only channels by which access to the western lakes by the Saint Lawrence was obtainable until October, 1845, the date of opening the Beauharnois canal.

In this simple beginning, upwards of a century back, the canals of Canada had their origin. Step by step they have increased in size and capacity. The Lachine canal was commenced in 1821 and completed in 1825. Even at that date the locks in the chambers were only 100 feet in length, twenty feet at the gates, with a depth of five feet on the sills. The Rideau canal, commenced in 1826, had locks 134 feet long, thirty-three feet wide, and five feet on the sills. The connected canal system of Canada was begun in 1842. The

* [Can. Arch., C. 38, p. 2.]

locks were then established to 200 feet in length, forty-five feet wide and nine feet on the mitre-sills. The modern lock is 270 feet long, forty-five feet wide and fourteen feet on the sills: dimensions held to be the maximum of the navigation attainable on the Saint Lawrence to lake Ontario. On the completion of the Soulanges canal, the Cornwall, the Williamsburg and the Sault Saint Mary canals, it will be possible for vessels of this capacity to make the voyage in British waters from Montreal harbour to the western limit of lake Superior.

A large traffic passed through the canals of 1814. By a return of the house of assembly in 1834, it is shewn that between 1815 and 1833, the nett earnings amounted to $86,385.40: the number of *bateaux* averaging 900 annually. In 1833, the revenue obtained was derived from 863 *bateaux* and 612 Durham boats.* In 1830, the money appropriated by the legislature, $40,805.70, was expended in removing large boulders from the river, and, moreover, in excavating at several troublesome points narrow cuts with inclined planes, so as to avoid the current, overcome only with difficulty, the fall being carried onward at a regular grade. Cuts of this character were made at the Cedar village and also at Wind-Mill Point, three-quarters of a mile to the east; the former being 1,080 feet, the latter 2,000 feet in length. No locks were constructed. Works of this character were also carried out at the "pointe au Diable," a name suggestive of the labour exacted to pass it, at the *Rigole*, and some other places. An expenditure was also made in the construction of a wooden lock, 120 feet in length, fifteen feet in width, with four feet water on the sills, about a mile west from the Coteau canal. It is questionable if the work, without guard gates to control the current, proved a success. †

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* Legislative papers 1842, Vol. II., app. Z.

† These are the canals which Sir H. Langevin, in his report of 1867, p. 566, unwarrantably described as French works. The account there given of these works is also wholly incorrect. [Ante., Vol. V., p. 245.] I have to acknowledge the kindness of Mr. Monro, M. Inst. C.E., the engineer in charge of the

Private letters are extant, from which we may learn the mode of travel followed at this early date. The freight carted to Lachine was placed on *bateaux;* it was customary for several of these boats to make the trip in company, so that in passing trying spots in the rapids, the men of the different craft could readily give each other assistance. When unavoidable, much of the freight was portaged to the landing place above, and the boat thus lightened was forced through the rapids by a tow rope; one or two of the men remained on board to guide her. The *bateau*, constructed sharp at the ends fore and aft, wall sided, with a flat bottom, but with a slight inclination upwards at each end, was generally manned by five men, one to steer, and was propelled by four oars, but when the wind was fair a square sail was raised. The capacity of freight was three tons of merchandize or thirty barrels of flour.

When night came on, the crew encamped, to start in the early morning. At Kingston the freight was transferred to schooners. Some of the *bateaux*, however, ascended to the west of the bay of Quinté, the "Carrying-Place" where the Murray canal has been constructed, and thence followed the north shore of lake Ontario.

The charges for freight were regulated by the price paid for a barrel of rum, the cost of which from Lachine to Kingston was $3.50.

The Durham boat was not known before 1812. It attracted attention during the war, from having been in use in the operations of the United States lake-navy, and was introduced into Canadian waters after the peace.*

It was a flat bottomed craft, having a keel and centre-board, rounded at the bow, decked at bow and stern. A wide

Soulanges canal, now under construction, who, at my desire, was good enough to examine the present condition of these early works, and furnished me with their measurements. From the recognized ability and long experience of Mr. Monro, full reliance can be placed upon his figures. He has, however, seen fit to draw my attention to the fact that the examination is not free from difficulty, and that he must hesitate in assuming responsibility for extreme precision.

*[Can. Arch., MS. Letters, Vol. 180, p. 19.]

gunwale ran the whole length, on which the crew poled up stream and kept the craft amenable to the tow line. These boats could likewise carry sail in a fair wind. Their capacity was 350 barrels of flour down stream, but only about eight tons upwards, owing to the shoal water inshore. Moreover, there was a deficiency in up-freight. They rapidly displaced the early *bateau*, as they could carry ten times the cargo. The *bateau*, however, was afterwards considerably increased in size. The Durham boat never went higher than Kingston. *

This mode of navigating the Saint Lawrence above Lachine, especially for the transport of heavy freight, was followed until the opening of the Beauharnois canal in 1845.

The completion of the Rideau navigation, however, in 1832 changed the course of freight to Kingston. A class of steamer was introduced capable of passing through the smaller locks of the Grenville canal 106 feet nine inches in length, nineteen feet six inches wide. These vessels carried both passengers and freight by the river Ottawa, passing through the Carillon and Grenville canals, to what was then Bytown, the present Ottawa, whence the steamer ascended by the Rideau navigation to Kingston. The return trip was made by the Saint Lawrence. As these steamers were the only boats which at that period descended the rapids, they were generally taken by the travel from Kingston, and there was no want of passengers by the up-route. At this date a line of steamers for passenger travel on the Saint Lawrence was also in operation, but owing to the expense of working it the fares were high.

On leaving Montreal passengers were taken by stages to Lachine. A steamboat ascended lake Saint Louis to the Cascades, about fifteen miles. At the Cascades a second stage carried the traveller to Coteau-landing, sixteen miles, where a second steamboat passed up lake Saint Francis to Cornwall, forty-one miles. A third stage made a connection with Dickenson's landing, twelve miles distant, whence the

* I am indebted for this description to Mr. T. C. Keefer, C.E.

steamboat was taken to Toronto and the intermediate lake ports.

The Rideau steamer, in order to obtain popularity, became renowned for its *cuisine;* and those whose tastes were bibulous could not fail to recognize the irreproachable manner in which their wants in this respect were supplied. For the short period of its existence the Rideau passenger steamer had the highest reputation, but it became doomed a few years after the completion of the Saint Lawrence canals.

In describing these first canals, I have not limited myself to the dimensions of their early construction. I have also narrated the form of development which, after an interval of some years, has been attained. The fact however remains, that the province was indebted to Haldimand for their inception, and he may be regarded as the founder of the system. Although the original plan embraced but small dimensions, it was in conformity with the character of works of the class in England, perfected a few years previously by the genius of Brindley, and they were in accord with the emergencies of the time, the *bateau* being in use for the transport of freight. These early works between lake Saint Louis and lake Saint Francis were not simply the precursors of the enlarged lock and the continuous canals, by means of which, sixty years later, every obstacle to river navigation in the Saint Lawrence has been so admirably overcome; but it will be gratifying to Canadian sentiment to know that they were the first canals constructed on the continent of America. Such is the indisputable fact. They preceded the canals of the United States by a quarter of a century. Canada can justly claim to have been the first to introduce on the western continent the system of canal navigation now so generally established, and, it may be added, in later years to have carried it to the highest stage of development.*

* In United States encyclopædias, the construction of the Schuylkill Coal and Navigation Canal from Mill Creek to Philadelphia, Pennsylvania, is dated at 1816; that of the Northumberland, Wilkesbarre, at 1819. The date 1817 is assigned to the Erie canal, New York. The commencement of the Champlain

In October, 1779 Sir John Johnson proceeded to Oswego with the design of acting against the Oneida Indians, who, with the Tuscaroras, had been engaged on the side of Sullivan in his invasion of the territory of the Six Nations. They had been particularly active in intercepting intelligence and preventing intercourse with the upper posts. Johnson had counted to a great extent upon the aid he would receive from the remaining tribes of the Six Nations, but they had been dispersed by Sullivan's operations, and the Indians of the upper lakes refused all assistance. Johnson found it impossible to carry out the expedition, and returned to Carleton-island.

The want of success in the attempt exercised a depressing influence, and in his letters to England* Haldimand dwelt upon the necessity of sending reinforcements with supplies, so that the preservation of the upper country could be maintained. Plainly, it was the policy of congress to reduce

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canal is chronicled the same year. The Erie canal was authorized in 1817 and the work was commenced on the 4th of July. Its whole length of 363 miles was only completed in 1825.

The first locks were but little in excess of those of the enlarged early canals, being ninety feet long, fifteen feet wide and four feet deep. The dimensions of the Canadian lock was 145 feet by twenty-three feet in the chamber, the width at the gates being twelve feet. In 1835 the Erie canal was enlarged to locks 110 feet long by eighteen feet wide and seven feet on the sills; dimensions which, from the insuperable difficulty of obtaining a water supply in the Rome level, may be regarded as the maximum attainable.

The first of the Bridgewater canals was completed by Brindley in 1761; the size of the lock was seventy-four feet in length, seven feet wide, with five feet of depth.

These memoranda establish the priority of the introduction by Canada on this continent of the canal system as claimed in the text.

In connection with the subject of canal navigation, I am impelled to direct public attention to the heights above tide water of the Atlantic ocean of the several western lakes, Ontario to Superior, as officially recognized in the dominion. I refer the reader to the note at the end of this chapter, in which I have endeavoured to consider the true heights of these waters. At the same time, I venture to suggest the measures that in my humble judgment it is advisable the government should adopt, to assure their correct determination in our records.

* [Can. Arch., B. 54, p. 259, 1st November, 1779.]

the Indians to the terms they saw proper to exact, and so deprive Canada of their support. Only by being able to keep the field successfully could the province hope to retain them in their alliance. On all sides there were indications that their attachment to the British cause was becoming less, notwithstanding the numerous sums expended to retain them: an impression the more unsatisfactory that it was feared the next operations would be against the upper posts. The troops of congress in possession of the Ohio and the Wabash offered a threatening attitude to Detroit, and every exertion would be necessary to keep the upper country in possession. What more immediately caused anxiety to Haldimand was the threatened invasion; and from the information he received it might be looked for the following year as a counterpoise to the losses experienced in the south. The province was indifferently supplied with provisions, and at the end of November he had written expressing his disappointment at the non-arrival of the store-ships. The difficulty of defence lay in the extent of frontier. Thus, if Carleton-island were taken, Niagara and Detroit could make no defence, for they were furnished with provisions until the commencement of spring only, and the supplies were forwarded from Carleton-island.

The province was likewise threatened by an expedition from Missisquoi bay. In such a case it would have been a repetition of the march of Montgomery, Montreal being the objective point. Saint John's being taken, and the attempt would have been made with a powerful force, Montreal could oppose no resistance, and, as a consequence, the western posts would have been forced to surrender from dread of famine. Haldimand saw that the key to the situation was Saint John's, and that a strong well-provided garrison was necessary for its defence. He asked for reinforcements to carry out this policy; and also, that he might hold Oswego in sufficient strength. In view of victualling the western posts, Haldimand had submitted to the council the necessity of determining, arbitrarily, the price of wheat and flour. Such

a regulation as it bore upon private life was in accordance with the feeling of nine-tenths of the people, who had no interest in the artificial rise of price, and bread was their daily subsistence. The crops had not been good; there was such a scarcity of flour in Quebec, owing to the non-arrival of the supply ships in the fall, that Haldimand was forced to order back to Quebec the provisions which had been sent to Montreal and Sorel for transportation in the spring to the upper country.

The supply of salted provisions was also limited, so much so, that Haldimand felt bound to husband it. The troops were fed upon fresh meat. The commissaries were instructed to avail themselves of local opportunities to gather food for the troops in the localities where they were quartered. Haldimand likewise resolved, when there was full evidence of the threatened invasion, to issue a proclamation, instructing the *habitants* on the river Chambly to hold themselves in readiness, when called upon, by a day which would be named, to carry their grain to Sorel, and drive their cattle there, so that they might be placed under the protection of the king's troops, and no supplies could be available to an invading army on its advance.

Haldimand, in his reports to the home government, stated his conviction that there was frequent intercourse between the French at Rhode island and certain priests and jesuits, in which some of the disaffected old subjects also took part, but, with all his industry, he could not discover who they were.* He had generally faith that the higher classes would "behave well," but he had no doubt that in the parishes many would swerve from their allegiance. In this threatening situation, whatever suspicions had been formed, no arrests had been made. Haldimand has left on record his own feeling. He wrote in anticipation of having to meet these trying times: "Severity and rigour will be necessary, and in proportion as my conduct has been hitherto mild and forbearing, it will

* Haldimand to Germain, 28th November, 1780. Can. Arch., B. 57.2, p. 315.

be the reverse, if I find no other means can preserve the province."

Haldimand, in 1779, made the first attempt to establish a library at Quebec. The money having been collected, he wrote to Richard Cumberland, the dramatist, asking him to intervene to obtain the volumes.* Five cases containing the books were sent from London the following year, and they formed the commencement of the library which subsequently came into the possession of the literary and historical society of that city.

In Montreal the officers in garrison made some efforts to amuse themselves. In 1779, there had been an entertainment, the deficiencies of which had been the want of female performers, and a proper house where they could "set up a theatre in earnest." Colonel McLean asked for the use of the jesuits' old vestibule for the purpose, the performance to be on the footing of the old "Edinburg theatre." The attraction was a concert of vocal and instrumental music, and the play to be acted was Molière's "*Les Fourberies de Scapin.*" It was the first occasion that any one of the great French dramatist's works was played in Canada. I almost feel justified in adding that it was also the last.

In 1780, the seigniory of Sorel was purchased by the British government for £3,300 sterling, to admit of Sorel being taken possession of, and fortifications and barracks constructed, without interference with private rights. A house was also purchased in Montreal as a residence for the governor, at a cost of two thousand guineas.

Several expeditions were undertaken to destroy the resources by which the threatened attack on the province could be maintained. They were especially directed to the Mohawk valley, in order to make attempt from that quarter upon Niagara impossible, by the destruction of the supplies it could furnish. After the opening of the navigation, Sir John Johnson passed from lake Champlain into the Mohawk

* Haldimand to Richard Cumberland. [Can. Arch., B. 54, p. 166, 13th of September, 1779.]

district with a force of 500 troops and Indians. One part of his design was to favour the escape of such loyalists as were desirous of reaching Canada. He returned, accompanied by 150 men capable of bearing arms. He destroyed in the expedition a great quantity of provisions and much live stock. The mills he came upon, he burned. A force of 700 men was hastily gathered to intercept him. Johnson, having accomplished his purpose, rapidly retired, followed by the congress troops. The last named, however, only reached Crown Point, on lake Champlain, the day after Johnson's embarkation for Canada.

The letters from Germain to Haldimand, early in 1781, shewed little dread of any such reverse as that which was to be experienced by the capitulation of Cornwallis. Troops were to be sent to Canada, but no attack on the province was to be looked for; the French and the congress troops had enough to do at the south. The French fleet had sailed to the West Indies to deliver the much needed supplies, and probably de Grasse would sail for North America; but it was by no means to be looked for that Rodney and Arbuthnot would allow him to act against the king's possessions on the continent. In spite of the urgent representations made by Haldimand of the insufficiency of the means at his command to repel any well organized attack, Germain complacently pointed out that the defensible condition of the province, especially at Quebec, left little fear that it would be assailed. On the contrary, assistance might be sent by Haldimand in any operations against the eastern provinces.

No letter of Germain shews more clearly the fatuous character of his mind. The impression is forced upon the reader, that the principal design in writing it was with the view of its being submitted to the king, and by its hopeful expectation to be agreeable to the monarch, for its tone was entirely at variance with the information sent by Haldimand of the condition of Canada.

The dangers threatening the province were increased by the feeling amounting to certainty among a large portion of

the French Canadian population, that some decisive movement would be made, supported by France. In November the news reached Canada of Cornwallis' desperate situation, followed by the information that he had surrendered. Hitherto the events in the south had been favourable to the British arms and had exercised restraint upon the desire for French interference. The defeat of Cornwallis did not fail to work an undesirable influence. Such was the expressed sympathy with the French in several of the parishes, that Haldimand resolved not to send to many localities the arms necessary for defence. In the early part of the year, it had been only with reluctance that any number had been induced to serve as seamen on the lakes, while it was a prevalent opinion that too many were ready to act as guides to an invading army, and to furnish provisions. The best troops were in the west engaged in defending the posts, and in any emergency Haldimand could not bring 2,500 reliable men into the field. Letters which came into his possession revealed the state of feeling which he described, and if Canada was to be held, strong reinforcements were required, with a fleet, to command the Saint Lawrence.*

Haldimand could obtain no aid from admiral Arbuthnot. As this admiral had failed to second Clinton in his operations in New York,† so he declined to render any assistance to

* [Can. Arch., B. 55, p. 129.] "I have for many months observed in the Canadian Gentry Expectations of a Revolution which was to take Place in the Country, and am the more confirmed in this, from a Letter dated Paris the 6th of last March (which has fallen into my hands), from a Monsieur de Lothbinière, (Who after having received the King's Bounty in London went over to the Rebels in Philadelphia), Wherein He tells his Son that he expects to see him in fourteen or fifteen Months from the Date of the Letter, and in a situation to settle all his Affairs to their Mutual Satisfaction. In another part of his Letter, he desires his son to remain "à la campagne quelques mouvements qu'il y eût dans ce Pays, pourvû que vous restiez Spectateur absolu de tout, sans y prendre la moindre part. En ce cas, je vous crois plus en sureté ou vous êtes qu'en aucune ville." Many Letters are in the same State, and one plain Indication of some dangers against this Province in the which France cannot (now that the rich provinces of Virginia and Carolina are recovered), refuse to give assistance to congress." [Haldimand to Germain.]

† Ante., Vol. VI., p. 369.

Haldimand. Clinton wrote to Haldimand that he had applied to Arbuthnot for a convoy to the troop-ship to convey the exchanged convention troops to Quebec, and to take under his protection the victualling ships destined for Canada. Arbuthnot declined, as there were frigates at Quebec to perform the duty. Haldimand, in reporting the matter to Germain, very mildly put the case, that the admiral could not have been well informed. The one frigate was the "Hind." The "Canceaux," though an armed vessel, was so worn out that she could only be used as a prisoner ship; the "Jack" was the one provincial ship of any force.

A constant subject of complaint from London, in spite of Haldimand's efforts to control it, was the expense of the upper posts. It was very great, but it could scarcely be otherwise. All the provisions had, in the first instance, to be conveyed up the Saint Lawrence to Carleton-island and to Oswego and Niagara. There they had to be bodily carried across the long and severe portage to lake Erie, and thence by water to their destination. Moreover, it was not only the garrisons which had to be maintained. The Indians, likewise, had in many cases to be fed, and their friendship secured by presents; for it was by their aid only that the posts could be held, and without the occupation of the posts, no western trade could have been carried on.

In 1782, Townshend, then colonial secretary, was able to send the news of Rodney's great victory. Haldimand was likewise informed that the government of Canada would, for the future, be conducted by Carleton, the reason assigned being, that the preservation of the province was so strongly enforced upon Carleton, that he had received orders to proceed to Canada in person, and, if he should find it necessary, with such part of his force as he might judge fitting.*

Haldimand at the same time was assured that the king had the highest opinion of his merit and services, and that no other motive than that suggested "could have induced

* [Can. Arch., B. 50, p. 168. Shelburne to Haldimand, 22nd April, 1782.]

the shadow of a wish for your withdrawing yourself from your government." *

It was one of those impracticable theories of the colonial office in London which have so frequently worked mischief in Canada, that the commanding officer in New York should conduct the political affairs of Canada at Quebec. Carleton saw the absurdity of the plan, and took his own means of avoiding compliance. He wrote in September that it was not possible for him to go to Canada that fall, and what reads somewhat strangely, when his presence in Canada in 1786 and the part he took in carrying out the provisions of the Canada act are considered, that he should have added: "It is wholly unlikely that I shall do so at any time. I did not quit that government with a purpose upon any event of returning thither." In December, he wrote: "No occasion whatever can bring me into your Province."

In April, Shelburne brought to the notice of Haldimand certain complaints made against him, and while asking for explanations, desired him to secure the affections of the people by his administration. Shelburne was a disciple of Jeremy Bentham, and the advice was a cheap exhibition of philanthropy. The complainants were the French prisoners, or their wives, who had been confined for treasonable communication with congress in order to incite to invasion; together with Mrs. Hay, the wife of a prisoner, who made great efforts to prove the innocence of her Scotch husband. There was also a Canadian seignior among the number who brought a charge of wrong suffered: Cuthbert who had held a commission in the army, and was a member of the legislative council. Orders had been given for a supply of cordwood, to be taken from the seigniories in the neighbourhood of the garrison of Sorel, among them from that of Berthier. Cuthbert protested, on the ground that the government had no such power. Haldimand maintained the contrary view. He contended that the crown was entitled, in the emergency, to the supply of wood. No objections were raised by other

* [Can. Arch., B. 45, p. 53. Townshend to Haldimand, 31st July, 1782.]

seigniors from whom the privilege was exacted. As there was, however, doubt on the point, Haldimand gave instructions for the quantity taken to be measured and receipts given, so that, if the claim could be established, payment could be made. In 1777–8, Cuthbert paid for the seigniories of La Noraye and D'Autray, £1,000. He now claimed as damages, £3,937 10s.

Another grievance was the construction of a bridge in Cuthbert's seigniory. In order to improve the communications Haldimand had ordered the erection of bridges at the river du Loup, the Maskinonge and at Berthier. Cuthbert maintained a profitable ferry at the last named river, and he contended that the newly-built bridge was an interference with his rights of property.

Haldimand required merely to send a narrative of the circumstances under which he had acted to vindicate his character; we owe to this circumstance the preservation of many facts, all record of which would otherwise have passed away.

Shelburne was now engaged in the opening negotiations for peace; he wrote accordingly to Haldimand to discontinue all predatory excursions on the frontiers of the revolted provinces. None were to be made. Haldimand was also informed, that all United States prisoners in Great Britain were to be sent back in exchange, and that the same course should be followed in Canada. These letters were received by Haldimand in July.

The whole summer was passed in Canada in expectation of an invasion. Cornwallis' surrender was regarded as the forerunner of active operations against the province. What increased the doubt regarding the sentiments of the French Canadians was the report industriously circulated, that the pope had absolved them from their oath of allegiance to Great Britain, if they would return to the government of France. The United States congress had issued proclamations promising pardon to all loyalists who would accept the new constitution. On all sides the reports were of a character

to cause alarm. French commissaries were forming magazines of provisions on the frontier. It was stated that a brigade of French troops was on the march towards Albany. The Canadians were to be armed as the troops entered the province. Simultaneously with these operations the upper posts were to be attacked from the valley of the Mohawk, an army from New England was to proceed against Halifax, and a powerful force was to ascend the Saint Lawrence. To meet these dangers Haldimand had not 3,000 men under his command.

The year however passed away without these dreaded operations having been attempted. As measures had been taken to assure the safety of the province as far as possible, the season likewise furnished hope that its severity would deter any attempt from being made. The winter came to an end without the tranquillity of the province having been disturbed. Spring opened with its warmth and freshness; the ice no longer bound the rivers and the lakes. The Saint Lawrence became again navigable and the season had arrived when the projected invasion was feasible. The first ships, however, brought neither men nor arms. On the 25th of April, 1783, news was received of the cessation of hostilities, and that the treaty of peace would, in a few weeks, be definitely signed: a peace by which, of the vast continent of America, Canada remained the only part under the British flag. The southern provinces had parted company with the mother country, henceforth to be known as the United States.

A charge has been made against Haldlmand that he systematically opened letters and carried on his government by a system of *espionage*. He opened one letter and received a reproof from lord George Germain, who never lost the opportunity of being insolent to those who were not his creatures. The facts of the case were, that seeing a letter from Guy Johnson to Germain marked "On His Majesty's Service," sent to Quebec to be forwarded to England, Haldimand opened it, and wrote to Guy Johnson that he had so acted, as all letters upon public business should be trans-

mitted through him. He rebuked Johnson, because without communicating with him as governor, he had submitted schemes for raising corps in Canada, a measure which he ought to have known was impossible. He had forwarded the letter, and trusted that he would be spared the painful necessity of a similar communication.*

Johnson replied to Haldimand by a letter of apology, stating that he had acted through ignorance. †

In January, Haldimand had reported to Germain the unfitness of Guy Johnson for his position, as not possessing either the abilities or the temper to conduct a department of importance. He had left the province in 1775, when the whole business of his branch fell into the greatest confusion, from which it was only rescued by the unwearied attention, application, and judicious conduct of his deputy, Butler. ‡

Johnson complained to Germain that Haldimand had opened his letter, and the consequence was the official rebuke of Haldimand, but, even when administering it, Germain admitted Guy Johnson's inefficiency. §

It is from this circumstance only, that the charge has been

* Haldimand to Guy Johnson, 10th February, 1780 : "I was more surprised than I can well express to find that an officer at the head of a department under my command, should so far forget his duty as to propose to the king's ministers schemes for raising corps, in and upon the frontiers of the province of which I am governor, to serve in an army of which I am commander-in-chief; but still more so, that he should venture to mislead the minister by recommending as an eligible measure what he ought to know is impossible to accomplish." "Sir John Johnson, although empowered to raise two regiments, had not been able in the course of four years to complete the first. Lt.-Col. McLean had not been more successful. Major Butler had attempted completing the corps of rangers, to eight companies. His own rank as lieutenant-colonel, that of his son as major, had depended upon his success, but he had been unable to raise them." [Can. Arch., B. 107, p. 72.]

† [26th April, 1780. Can. Arch., B. 107, p. 74.]

‡ [29th January, 1780. Can. Arch., B. 54, p. 271.]

§ Germain to Haldimand, 8th August, 1780. [Can. Arch., B. 44, p. 46.] "I have to acquaint you that it is the king's express command that you do not detain or suppress any letter whatever that may come to your hand addressed to his secretary of state, nor upon any pretence break it open if it be sealed.

"But I agree so far with you in colonel Johnson's unfitness to conduct the business of the Five Nations."

made against Haldimand of having continually opened letters. Although utterly at variance with truth, it has been accepted by a class of writers and without investigation repeated.

During these trying events, Haldimand had by no means remained quiescent and without enterprise, and he had taken every possible precaution, with his limited resources, to make the province defensible. He sent out expeditions to destroy the forts which had been established at the head of lake George and on the route from the Hudson to lake Champlain, which were beginning to take a threatening position. Major Carleton, in charge of the expedition, left Ticonderoga on the 8th of October, 1780, and advanced to South Bay, at the south of lake Champlain. At the same time, a party of the 53rd, consisting of fifty men, ascended lake George with two boats conveying cohorns. Carleton landed at two in the morning. He sent forward as scouts a party of Indians, sustained by a provincial company. The main body consisted of British troops, flank guards of provincials being thrown out, who also furnished the rear guard. The force came within three miles of fort Anne about four in the afternoon. The men were much fatigued, the march by the route they had followed having been eighteen miles. Scouts were detached to learn if the movement was known. Carleton resolved to remain at this spot for the night. No fires were made and profound silence was observed. At nine the next morning he sent to the house of a known loyalist to gain some intelligence, when he learned that his presence had been discovered by a scout of three men having come upon his track, and that a despatch had been sent to fort Edward asking for support.

As the surprise of fort Anne was not possible, Carleton determined to advance openly against it and demand a surrender. At three in the early morning he sent a detachment of thirty regulars to cut off communication with fort Edward. The main body marched at four; a sergeant with twenty men was sent to take possession of the saw-mill and destroy it. By seven the post was surrounded. Within an hour the small

garrison surrendered ; it consisted of a captain, two lieutenants and seventy-two privates. The troops were to deliver up their arms and surrender themselves prisoners of war, the women and children to return to their homes unmolested. The men were new levies, and supplied with but little ammunition. The fort contained some flour and some live stock ; it was a square enclosure with a face of sixty feet, having a picket fence of from fourteen feet to sixteen feet high of twelve inches in diameter, the barrack being in the centre. The fort was burned, and the provisions which could not be carried away destroyed.

Carleton, not deeming fort Edward sufficiently important to delay his attack on fort George, at nine o'clock started on his march to the lake. At five in the evening he had arrived within nine miles of fort George, where he halted for the night. He detached a party of twelve provincials down the Hudson to burn the mills, and to forage as far as fort Miller ; to act similarly on the western side of the stream ; to remain in concealment, and then to make a push and if possible burn the mills and barracks at Saratoga. He likewise sent a party directly across the river to burn some mills in operation there.

His party did not rejoin him until seven o'clock ; he then proceeded in his advance against fort George. They had arrived within a mile and a half of the fort when his presence was discovered by two men passing along the road ; they managed to escape and carry the information to the garrison. Scouts sent out by Carleton reported that fifty of the garrison were coming along the road. They had been sent out to attack the Indians who had been seen, on the supposition that they were the only enemy present. Carleton moved forward with fifty of the 34th and twenty-five provincials. The Indians had placed themselves between the detachment and the fort, and had begun an unequal fight. The arrival of Carleton soon decided the matter ; in half an hour all was over. Twenty-three men were killed and scalped by the Indians, and seven prisoners were taken. Carleton's loss was a private of

the 34th and a provincial killed; a sergeant and a private of the 34th wounded. Of the Indians two were killed, one wounded. Carleton summoned the fort. The garrison surrendered as prisoners of war, the women and children to be permitted to return to their homes with two waggons and baggage. No Indian to enter the fort until the British took possession, Carleton giving his word of honour that no one in the fort should be molested and that no life should be taken. Each soldier to carry away his knapsack. An officer to be permitted on *parole* to return home with his family and regimental books. The garrison consisted of a captain, two ensigns, forty-three rank and file, with three six-pounders and some ammunition. The fort was destroyed. Carleton and his detachment returned to Crown Point.

In November of this year an unfortunate event occurred in the loss of the snow "Ontario" on lake Ontario. She was looked upon as a fine vessel, having been built the previous year to carry sixteen guns. She sailed from Niagara on the 31st of October, and was seen on several occasions near the north shore. The following day it blew very hard, and she foundered. A few days later, the ship's boats, the binnacle, gratings, and some hats, were found on the south shore by lieutenant-colonel Butler, on his way from Oswego. All were lost. The captain, Andrews, holding the naval command of the lakes, was an excellent officer. The crew consisted of forty men. Lieutenant-colonel Bolton, of the King's regiment, who was proceeding to England, was a passenger on board: he had been in command at Niagara, and had admirably performed his duty. Likewise a party to reinforce the garrison at Carleton-island, consisting of a lieutenant of artillery, and a subaltern, and thirty men of the 34th. Haldimand, while dwelling upon the great loss of colonel Bolton, "one of the most useful and reliable officers in the service," with that of the other troops, pointed out the difficulty arising from the foundering of the vessel. The design had been that, on her return trip, she would have carried provisions for Niagara and Detroit, the lateness of

the season making it difficult to supply the place of the "Ontario." No record, however, remains that inconvenience in this respect was experienced.*

Towards the end of 1781, a force had been organized in the west, under an officer named Clark, to destroy the settlements of the Indians favourable to the British, and, after this design had been successfully carried out, to advance upon Detroit and compel its surrender. Brant, with a strong party of Indians, hearing that the column was on the march, surprised a division on the Ohio, under colonel Lockery. In the attack, 100 of Lockery's men were killed, with the colonel and five officers. The consequence was the entire dispersion of Clark's force.

With a well equipped force St. Leger advanced from lake Champlain to the Hudson. The design appears rather to have been to divert the attention of the congress troops from the more important expedition of major Ross from Oswego. In order to oppose St. Leger, a large force was collected at Albany and Saratoga to operate against him, and it was thus kept inactive during the expedition undertaken by major Ross.

This officer, a captain of the 34th, having attracted the attention of Haldimand by his zeal and capacity, had been appointed major of the 2nd battalion of Sir John Johnson's regiment, and placed in command at Carleton-island In April he was transferred to Oswego. On leaving Carleton-island in April he had to force his way through the ice, until he reached the open lake. His *bateaux*, with stores, arrived at Oswego on the 17th; the troops on the 20th. The fort was immediately placed in a defensible condition, and preparations were made so that he might undertake any expedition held to be expedient.

As it was evident that the designs of congress were directed to the possession of the western posts and stores were being gathered on the Mohawk, it was determined to destroy the supplies by which the expedition could be sustained. Ross

* [Can. Arch., B. 55, p. 19. Haldimand to Germain, 20th November, 1780.]

left Oswego on the 11th of October. His force consisted of detachments of the 8th, 34th, 84th and some companies of the rangers, numbering 434 of all arms. But few Indians were present, and they shewed but little activity. Ross makes some reflections on Sir Guy Johnson for having failed "to provide useful Indians; that he might well have done, as they were numerous in the neighbourhood at Niagara." On arriving at lake Oneida he left some old *bateaux* and provisions at Canaserago creek, and after a march of eight days during bad weather he reached the Mohawk. Two prisoners were brought in. The upper part of the Mohawk had been attacked on a former expedition; indeed, fort Stanwix had been abandoned and destroyed. Ross consequently determined to move upon Warrensborough, situated between fort Hunter, on Schoharie creek, and Schenectady. There was much activity shewn in Warrensborough; the bulk of the population were strong adherents of congress, and had vigorously proceeded against the royalists, preventing them from leaving when they so desired, and had acted towards them with extreme severity. On the 24th, in the afternoon, he came among the scattered inhabitants near Corrystown. Immediately alarm guns were fired to notify his arrival, and Ross obtained information that 2,000 militia had been called together to oppose him. No time was to be lost, and a forced march during the night was undertaken. The distance was fourteen miles, and the heavy rains had made the roads, bad even in the best weather, extremely difficult to travel. The tax upon the endurance of the troops was very great, and many, unable to keep up with the column, were left behind. Arrived at Warrensborough, the troops remained under arms until daybreak, when the attack was made. The inhabitants had fled. Before twelve o'clock the whole settlement was in flames.

Ross had now to think of his retreat, for it was plain to him that he would be attacked from every quarter. He resolved, consequently, not to return to Oswego, but to take the trail to Carleton-island. He generally knew the char-

acter of the country from the scouts which had been sent out by him from the island, when he had been there in command. About one o'clock the force crossed the Mohawk at Johnstown, but his progress was difficult owing to the heavy rains. Passing through the settlement of Johnstown, he took to the woods, and made his way to the trail leading from the German flats. Here he obtained some cattle, but his chief dependence was upon horse-flesh. He had not long entered the woods when he heard that the congress troops were in his rear. As he felt that he could not outmarch them, he determined to await and meet them in the field, and he formed his men for action without any advantage of ground. Colonel Willett was in command of the congress force of some strength. As Willett advanced his troops to the attack, Ross, perceiving they were wavering and inclined to be unsteady, immediately charged the whole line. Willett's force, with but little resistance, gave way. The men made no stand, but they kept up a running fight until they reached the skirt of the wood; on gaining the open, they broke and fled, remaining in full view for a mile. It was now the time that Ross bewailed the absence of a body of active Indians to pursue the retreating force. No sooner was this attack driven off, than Ross's attention was directed to a large force of his assailants that had been formed upon his left, with a field piece, from which a brisk fire was being kept up. On being attacked these troops gave way, leaving behind a 3-pdr. gun, with a quantity of ammunition. Ross's difficulties were not yet finished, for another body of troops appeared and renewed the engagement. Their attack was continued until nine o'clock, when they retired. Ross had been engaged with three-fold the number of his force, and had thoroughly beaten back his assailants.

Continuing his march, on the 29th, he struck the Niagara trail. It was not the line he desired to reach; the Indians had sought out this route, in view of their own future movements, regardless of the safety of the force when arrived there. Ross was but a few days' march from the German flats, and,

however desirous of avoiding a halt, he was forced to encamp. Snow had fallen ; it was difficult to discover if the congress troops were approaching. The Indians had become very unreliable ; on the slightest alarm several fled, and on the following day, all that remained abandoned Ross when he started on his march. He had not proceeded far from his last camp when the congress troops entered it. The Indians who had remained behind had only time to save themselves by taking to the woods, and an Indian officer was made prisoner. Three of the officers' servants, who were late in starting, fell into their hands, with the horses they had in charge. The first intimation Ross received of the presence of his pursuers was a shot fired by one of the advance guard. His design was to cross Canada creek and place himself in a position of defence. About two o'clock the congress troops appeared ; they had the advantage of ground, and could follow the tactics they preferred, to fire at a distance. Ross accordingly determined to move forward and find a more favourable position which he could hold, leaving captain Butler of the rangers to cover the line of march. It was a difficult duty. Butler himself fell, and several of his men were killed and wounded, but the congress troops were held at bay.

Ross placed in a state of defence the ground he had taken. After waiting an hour, and his pursuers not having appeared, he concluded that they would not cross the creek. He therefore urged forward his march and reached Carleton-island without further molestation. He arrived on the 6th of November. In this expedition captain Butler of the rangers, two sergeants and ten rank and file were killed ; two sergeants and eleven rank and file were wounded, with forty-nine missing. Ross's operations had been most disastrous for those against whom they were directed. He had destroyed the settlement, which extended over seven miles. Nearly one thousand farms, with three mills, were included in the ruin, with a large public granary, besides cattle and stock of all kinds.

Willett appears to have had 1,400 men under his command. These scenes of devastation, however they may strike the reader in peaceful times, have always been, and will be, inseparable from war. They can by no means be assigned to the mere desire of wantonly inflicting injury, their object is to destroy the resources which are being husbanded for some future expedition. The Mohawk was the basis of the operations designed against Niagara and Detroit and the western posts. In this district supplies were collected to admit the march of an attacking army, and it was in order to prevent the realization of this design that the means of carrying it into execution were destroyed. In reporting his operations, Ross is careful to state that no inhumanity was shewn to any prisoner, and that the Indians did not injure a single woman or child.* The expedition was also fortunate that the party left in charge with the provisions at Canaserago creek returned safely to Oswego. The *bateaux* used by the troops in their advance, which had been merely patched up for the expedition, were destroyed.

The prisoners taken by the congress troops were treated with great barbarity. It was made a ground of refusal by Haldimand to admit some congress officers at Montreal to parole. "We have suffered so much by forbearance," wrote Haldimand to Speth, "that self-preservation forbids the continuance of it,"† and though it was distressing to retaliate on the innocent, the officers were ordered into close confinement. It was reported to Haldimand that the prisoners of Butler's rangers who were loyalists had their wrists cut off and their arms lopped off from the shoulders, and that afterwards they were tomahawked and scalped. Butler enclosed to Haldimand a letter sent by him to Clinton, pointing out the fate which every officer and soldier on the frontier might expect by the instances he adduced. Lieutenant Henry Hare, of the Indian department, and sergeant Newbury, taken in a scout, were immediately hanged. The same

* [Can. Arch., B. 127, p. 266.]

† [27th Dec., 1781. Can. Arch., B. 131, p. 144.]

penalty was inflicted on the bearer of a despatch from Butler to Clinton. Butler contrasted the conduct of every officer of the rangers on all occasions, and pointed out to Clinton, that unless some steps were taken to restrain these acts of barbarism, his own men would be under the necessity of doing themselves justice. *

* Butler's words are worth preservation: "The conduct of every officer both of the Rangers and Indian department in exerting themselves on every occasion to preserve the Lives of Prisoners taken, and also to treat them particularly well at Wyoming and Cherry Valley last campaign, and this by captain Macdonnel, should set the rebels an example, if they were men possessed of humanity or common justice, to do the like." [Can. Arch., Q. 16. 1, p. 358.]

HEIGHTS OF CANADIAN LAKES ABOVE THE ATLANTIC OCEAN (MEAN LEVELS).

There has hitherto been misconception as to the elevation of the several great lakes. Not only have these heights been incorrectly stated in connection with the datum of the mean ocean level of the Atlantic, but they are relatively at variance with the true record; that is to say, the difference of level of one lake with the others is in complete disaccord with the differences indisputably established by the United States Government. To speak more plainly, the official figures we have followed in Canada are incorrect. The subject has been carefully examined by Mr. Walter Shanly, C.E. I am indebted to his labours that I am able to give the information I am appending.

The true levels above mean tide in the harbour of New York were established by the operations of the United States Government in 1875. A quarter of a century back there was a discrepancy in the reported levels of lake Erie. The height above the Atlantic Ocean mean surface at New York was given by the United States engineers at 573 feet. Canada claimed that it was 564 feet over tide water at Three Rivers, the equivalent of 579 over New York datum. Of the correctness of the United States view, there could be no doubt, as it was based on the levels taken during the construction of the Erie Canal. In canal construction the closest nicety of measurement is indispensable. On the contrary, in railway engineering there is often more *laissez aller* work, owing to the ease with which a discrepancy in a grade can be adjusted; an impossibility in canal operations.

The figures we follow in Canada were furnished by Mr. Killaly, the chairman of the board of works appointed by Lord Sydenham, in his first report of the public works in December, 1844. The elevations there given by him of the several lakes have remained as accepted facts, and no official efforts have been made to verify, or to examine them.*

In 1875 an appropriation was made by Congress to determine the true heights of the great lakes by running a series of levels, so all doubts concerning them should be set at rest, and the altitude of the lakes relative to each other, and to the mean surface of the ocean at New York should be permanently established.

The supervision of the survey was entrusted to engineers of the U.S. topographical corps.† Every care was taken to authenticate the divisions of the levelling rods, while check levels were carefully run. To assure correctness two distinct parties worked in the field independently of each other, in one instance

* Journals House of Assembly, Vol. IV., 1844-5, Appendix AA. No. 2, 1865.

† The work was carried on under the direction of the War Department. The officers selected by the Chief of the Bureau to take charge of the levelling parties were captains Lehnertz and Wheeler. The report of the survey is to be found in the War Department documents, 1882. The plan laid down for assuring accuracy of result was perfect; the care with which the work was performed, beyond praise. It establishes the true altitude of the several waters in so entirely satisfactory a manner, that for the Canadian Government to undertake the work over again would be a needless and inexcusable misapplication of public money.

the levels were taken in English feet, in the other in French metres (3.281 English feet). Of the accuracy of these operations there can be no scepticism. The mean ocean surface line was perfectly established at New York, while the fluctuations of the lakes had been officially recorded for a series of years, so their mean height was simply a matter of careful calculation. It was in this deliberate manner that the elevations of the lakes have been established by the United States Government. Previous to these operations the U.S. records were about 3 feet 6 inches astray as to the altitude of lake Ontario; and nearly 8 feet as to lakes Huron and Michigan, referred to mean tide at New York as datum.

The heights recognised in Canada were arrived at by no such process. The datum taken was tide water at Three Rivers, since known to be 15 feet higher than the mean surface of the ocean. For the engineering work of the Dominion this datum was sufficiently satisfactory, and if the levels based upon it had been systematically and carefully taken, the recorded Canadian levels of the several lakes would shew the same differences as those of the United States, with the constant divergence throughout of being 15 feet lower. The table I append shews such not to be the case.

The fact is, the heights of the lakes of Canada, and previous to 1875 it was the same in the United States, had been formed by the adoption of several series of unconnected levels, arithmetically compounded to furnish the general result, hence the incorrectness which has prevailed. The following are the true heights of the several lakes above tide level in New York as determined by the United States operations above referred to. I give the decimals, that record being due from the extreme nicety and deliberation with which the figures are established.

Lake Ontario	246.60	feet above	mean	ocean level.
" Erie	572.90	"	"	"
" Huron and Michigan	581.30	"	"	"
" Superior	601.80	"	"	"

A comparison between the levels hitherto accepted and the true levels may thus be stated :—

LAKE.	Canadian Record.		United States Corrected Record.	
	Heights as hitherto accepted, based upon tide water, Three Rivers, as datum. Feet.	Heights adjusted to the true mean level of of the Atlantic Ocean by the addition of 15 feet. Feet.	Being height established above mean level of the Atlantic Ocean at New York. Feet.	Difference in Canadian Record. Excess above true height. Feet.
Ontario	234	249	246.60	2.40
Erie	564	579	572.90	6.10
Huron and Michigan	574	589	581.30	7.70
Superior	600	615	601.80	13.20

It will be seen by the above table that the difference of datum, 15 feet, is in no way maintained, and that the difference of level of each lake in every case varies more or less from the true elevation: thus the several lakes are relatively incorrectly described.

The height of lake Champlain above the given datum is 100.84 feet as established long since by the Northern Canal levels.

Lake George, determined by official United States surveys is 158 feet above mean level of lake Champlain. In Vol. VI., p. 115, I have mentioned the portage to be overcome at lake George as being 260 feet in height. These figures, taken as the record of the height above mean ocean level, are incorrect. The height of the portage to be overcome in about a mile is, generally speaking, the difference of the water level, 158 feet.

I have entered into these details from the conviction that the time has arrived when the heights of the lakes should be stated in accordance with the true elevation, not as they were incorrectly set forth half a century back, and that they should be referred to a common datum in use throughout the continent, the height of the mean ocean line in New York harbour. We all know that the United States mariners will navigate only according to the longitude derived from the meridian of Greenwich. At the international congress at Washington in 1884, at which Canada was represented by Mr. Sandford Fleming, M.I.C.E., the question arose as to the advisability of adopting a common central meridian in the determination of the question of universal time. It was resolved that longitude should be reckoned from the meridian of Greenwich, and that the solar passage of the anti-meridian of Greenwich should be the zero of time. The United States commissioners unanimously advocated this choice as due to the assured correctness and long continued astronomical investigation of Great Britain; especially from the advisability of the navigators of Great Britain and the United States following one common principle regardless of nationality. The International Congress consisted of the representatives of twenty-five nations, and their decision was almost unanimous.

Equally in Canada we are bound to accept with the United States one common basis, from which geodetic and other scientific data can be derived. Throughout the continent the height of the several lakes should be referred to one datum, and it can now be easily effected. Each province of Canada independently will be able to carry on its operations in accord with the established levels. In no long time the levels of the chain of lakes to be found between lake Superior and lake Winnipeg have to be authoritatively determined, and it is important that the work should be performed with precision.

In this view I take upon myself to bring the subject to the notice of the premier, Sir John Thompson, known to possess scientific tastes, so that his government may adopt measures for this state of confusion and misconception to cease, and that official recognition may be given by the Dominion government to the elevation of the lakes as established by the United States operations.

CHAPTER III.

The charge against Haldimand of having caused harsh and unnecessary arrests for political purposes, still repeated and emphasized, calls for careful examination, especially as it is affirmed that his government was one of terrorism. An examination of this accusation shews that it is without foundation. The number arrested was less than twenty; those in the humbler positions of life were not retained in custody. Du Calvet, the most unscrupulous assailant of Haldimand, can furnish only nineteen names;* ten of those persons mentioned by him cannot be traced in the records of the time. I have already expressed the opinion that Du Calvet is entitled to no credence, and I have given the ground for this belief.†

In 1774, congress had issued from Philadelphia an address to the people of Canada,‡ which had been translated and published by Fleury Mesplet. In 1776, Mesplet himself arrived in Canada and started the first printing press in Montreal, for until this period the printing had been executed in Quebec. Whatever his design was in establishing himself in the province, the reverses experienced by the congress troops in June of that year caused Mesplet to live quietly, and in no way to provoke the authorities. He is now recollected as being the printer of the first books in Montreal. Previous to the departure of Carleton in 1778, probably in April,

* "Voilà l'horrible situation sous laquelle a gémi et gémit encore la Province de Québec. Je pouvais y compter par centaines les compagnons de mes fers, tirés, des classes les plus respectables des citoyens. Voici les noms de quelques-uns des principaux." Nineteen names follow, with a suggestive "etc."

"Appel à la justice de l'Etat, ou Recueil des Lettres au Roi," etc., [p. 151] Du Calvet, 1784.

† [Ante., Vol. VI., pp. 476–482].

‡ [Ante., Vol. V., p. 250.]

Mesplet had requested permission to publish a weekly paper.* It had appeared on the 3rd of June, and had been conducted without causing trouble, until Haldimand arrived on the 12th of August. Mesplet belonged to the clique that favoured the then threatened invasion. Whether or not his design in starting the printing press in Montreal was to aid the cause of congress, he became an opponent of the government as far as he was able, and was thrown into association and active relationship with Du Calvet. The principal writer for his paper was an attorney named Jotard, a Frenchman, who fully partook of the feeling of the French of that day, the desire to humble England. †

During the occupation of the city by the congress troops, Jotard had acted in some form as secretary to Wooster, and had been appointed by him a notary public. As an attorney, he had become useful to Du Calvet and conducted much of his business, and from his own feelings and prejudices had acted with him politically. The litigious character of Du Calvet led him frequently to be engaged in law suits; in this respect Jotard had rendered him much service. What led to the arrest of Mesplet and Jotard was an attack on the judiciary as acting unjustly and in disregard of law and right.

* [Can. Arch., B. 185.1, p. 73.]

† We have a portrait of Jotard by Laterrière. I reproduce it, leaving the reader to form his own estimate of it. "L'éducation de ce Jotard était solide sans être accomplie. Il était satirique et sophistique comme un avocat, avec un front d'airain que rien n'étonnoit, ivrogne, faux et menteur comme le diable et grand épicurien. Il haïssoit tout ce qui étoit anglois, pour quelle raison? Je ne l'ai jamais pu savoir. En outre il étoit plein de préjugés, jésuite surtout, et fort mauvais ami." [p. 118.]

Laterrière also describes Mesplet. "Mesplet différoit de Jotard par l'éducation, son talent c'étoit d'être ouvrier imprimeur; il avoit des connaissances pourtant: mais il s'en faisoit accroire et ne parloit que d'après son rédacteur; d'ailleurs fourbe et menteur presqu'autant que celui-ci, et d'un génie méchant; si son épouse qui étoit très respectable ne l'avoit pas adouci, il auroit été coupable de bien des choses indignes d'un honnête home." [p. 118.]

He likewise places his impressions on record relative to Charles Hay, whose name appears in connection with Du Calvet. "Il (Hay) avoit été éduqué au collége d'Edinbourg (quoiqu'il exercât la tonnellerie); il étoit doux, sobre et fort obligeant, père d'une nombreuse famille et époux d'une très jolie et respectable femme, mais très ambitieux et homme à hauts sentiments."

After their attack on the bench, the two proceeded to the court and took their seats there, as if to set the judges at defiance and to prove to the people that they had nothing to fear from the course they were following,* as Haldimand wrote, they "had been defaming the king's officers and trying to throw the colony into confusion." † These men were following the example of the Boston agitators previous to the revolution, and were endeavouring to create discontent and turmoil. The government had patiently deferred acting with vigour, in the hope that repressive measures would be unnecessary. As it became apparent that no good result could be obtained by temporizing, the two men were arrested on the 3rd of June, 1779, instructions being given to send them as prisoners to Quebec. It was hoped that this summary proceeding would put a stop to sedition. Haldimand, when reporting the arrest, expressed his doubts that there would be legal evidence to establish any charge against them. But he felt it necessary to secure their persons, to prevent them sowing the strife and discord they wished to propagate. At the same time he complained of the native born Frenchman in the province as "exhibiting the petulance characteristic of the nation." The parties arrested in Montreal, Du Calvet, Mesplet and Jotard, the leaders of the movement, were Frenchmen, not British subjects, and they were carried away by a powerful sentiment to obtain repossession of the province by the French. ‡

Laterrière, another Frenchman,§ had been arrested at Three

* [Can. Arch., B. 205, p. 45.]

† Haldimand to Rouville, 1st June, 1779. [Can. Arch., B. 185.1, p. 90.]

‡ Three arrests only were made in Canada in 1779, but four prisoners were sent up from Detroit to be added to them.

In 1780 the further arrests took place which have furnished the basis of the accusations against Haldimand of having imprisoned hundreds of Canadian citizens. It is proper to bear in mind that those who had been arrested in 1779 were not British subjects at all.

§ A volume of Laterrière's memoirs published in 1873 for private circulation. "*Edition intime*" by some means has become generally well known. The work is extremely rare. The MS. came to the notice of Abbé Casgrain, who recommended its publication. The volume contains a note that the questionable grammar

Rivers, at the end of February, 1779, on the charge of encouraging the troops to desert and by these means sending intelligence to the congress authorities. It was sworn against him that he had recommended that a corps of 3,000 men should advance rapidly, surround Sorel and seize Haldimand as a prisoner. All that the "*Bastonnais*" required to bring was powder and ammunition, provisions would be furnished to them in plenty, and 3,000 men were prepared to join the congress troops. Laterrière's arrest was the first that took place; being a person of influence it created some attention,

[les incorrections de langage] and the indifferent spelling were alone corrected. I am assured by M. Marmette, the present deputy archivist, to whom I am indebted for the perusal of the work, that the proofs were read by himself, and that with the modification above named, the text was closely followed.

I have likewise to acknowledge my obligations to Senator Pelletier, who also kindly placed in my hands a copy. The volume was published at Senator Pelletier's expense, he being connected by marriage with the Laterrière family. Its title is "*Mémoires de Pierre de Sales Laterrière et de ses traverses.*"

Laterrière was born on the 23rd September, 1747, in the province of Languedoc. His memoirs were written in 1812, when 65 years of age. As a contemporary record of the events of this date, the work is not of importance, and the account of the circumstances of his arrest is simply unintelligible. To some extent it throws light on the customs of the time. A proof of his inaccurancy can be seen in his account of the courtesies he claims to have interchanged with the family of General Riedesel. Riedesel was alone at Three Rivers in command during the winter of 1776–7. He left Three Rivers on the 31st of May, 1777, never to return. The baroness Riedesel arrived at Quebec the 10th June, 1777. Within a few hours she left for Three Rivers, to arrive there the 12th, immediately to proceed to Chambly to join her husband. She remained at Chambly until the 15th June, when she returned to Three Rivers. She was present at Three Rivers only during July and early in August, when she proceeded to Burgoyne's headquarters at fort Edward, which place she reached on the 14th. Haldimand only returned to Canada in 1781; then Laterrière was a prisoner. It is not possible to accept him as an authority. His personal adventures are described much as modern romance writers represent their heroes, and they cannot obtain belief with any one acquainted with the manners of the time. The book is not unpleasant reading with all its exaggeration; it certainly furnishes a true picture of Laterrière himself. One of his unfounded statements is with regard to the death of Du Calvet. It is now well known that the ship in which he took passage from New York was never heard of. Laterrière thus describes Du Calvet's death: "Il a péri en mer entièrement ruiné; sa mort a été un mystére et ses tyrans ont été soupconnés de l'avoir fait jeter à la mer, notamment et surtout le général Haldimand, contre qui il étoit en instance pour emprisonnement arbitraire!" [p. 117.]

for he occupied a responsible position in the forges at Three Rivers. He remained a prisoner until August 2nd, 1782, when he was released on condition that he would voluntarily leave the province. He accordingly went to Newfoundland. After the peace of Versailles he returned to Canada.

In August, 1780, one Dufort was arrested at Saint John's by a party of the 29th, as he was proceeding to Albany with treasonable letters. These papers furnished the key to the designs of the conspirators. Among the names mentioned was one Hamel, who was arrested on the 24th of September at Saint John's. He was the bearer of a letter from Boyer Pillon, a surgeon at Montreal, to Washington, containing the statement that three-fourths of the province were in favour of congress, and asked for some blank commissions for those willing to take a prominent part. There were letters from Louis Nadau (Nadaud?), and Pierre Charlong (Charland?), engaging to enrol men for congress, and acknowledging the receipt of warrants for the purpose. Pillon had also written to one of his name in Albany, telling him of the letters sent, with the information that he would soon be prepared to start with 200 men.

Among the parties engaged in these transactions was one Azariah Pritchard. He had been offered by his own brother, a major Pritchard in the service of congress, then at Poughkeepsie, the position of spy, to remain in Canada. He appears to have nominally accepted this offer, and, thus obtaining information from those implicated, to have communicated it to the Government.* He reported that Dufort's arrest had prevented the departure of thirty men. There was also a letter from one Hurtubise Gagné, from Quebec, to Cazeau, reporting the success of the congress troops and the arrival of French regiments, dwelling on the satisfaction of Du Calvet, then in Quebec.

The possession of these letters led to the arrest of Pillon at Montreal, and an order was given by the commandant on

* Azariah Pritchard to Major Carleton, Saint John's, 12th August, 1780. [Can. Arch., B. 205, p. 66.] This communication led to the arrest of Dufort.

his own responsibility for the arrest of Du Calvet. The last named had left the city. He was, however, taken a few days later at Three Rivers. Du Calvet was not the man to be silent, and he immediately addressed a letter to Haldimand declaring his innocence, and desiring to know the cause of his being made prisoner. He confided in the fact that there was no legal proof of his intervention. There was no more active partisan than Du Calvet to compass the invasion ; he had conceived that he could be of the most use in collecting supplies for the invading army on its arrival. He had consequently gathered a large quantity of wheat and flour at his mill in Yamaska. No steps were taken regarding it, wrote Haldimand, as on the first news of the appearance of the congress troops, it could have been destroyed, or removed. Du Calvet had been considered one of the most active agents in these treasonable intrigues, which, to some extent, he had directed ; his name had even been included in the list of the partisans of congress in the province sent from New York by Clinton. It had now become necessary to prevent him committing further mischief.

Pillon, in his confession, threw himself upon the mercy of the government, and strove to cast the blame on Pritchard as having led him into the association. As is generally the case with accused persons, his story was confused. The important fact in his confession was that Dufour had informed him that he, Dufour, had been asked by Du Calvet to write a letter giving the information that a large quantity of flour had been gathered for the use of the congress invading army : a statement so in accord with Du Calvet's proceedings, that it may be accepted as truth.*

One of the means taken to avoid detection by Pillon and Du Calvet was, that their signatures to the letter were cut out, so that on a future occasion the slip could be applied to the sheet whence it was taken. The signatures were confined in a bullet, to be thrown away in case of emergency. There was also a French song, written in ordinary ink, while

* [Can. Arch., B. 208, p. 88.]

between the lines information was given to congress, held to be important to the cause of the invaders, written with some chemical compound. Subsequently, Pillon confessed to Le Maistre, the deputy adjutant-general, that it was his writing.*

Du Calvet was arrested at Three Rivers on the 27th of September, at Brown's tavern, and though subsequently he took legal proceedings against Haldimand on account of his imprisonment, the fact is curious that no orders were given from Quebec for the proceeding, although it was subsequently approved. The act arose entirely with the commanding officer at Montreal, colonel Allen Maclean. He wrote, in explanation of the course taken by him, that major Carleton assured him that Du Calvet was, if possible, more guilty than Pillon, for Pillon was only Du Calvet's agent, and to secure the first named without Du Calvet "was doing nothing."

Du Calvet's papers were seized, but, as might have been expected, it was found, after their examination by Cramahé, that they contained nothing treasonable.

Two other prominent men were also arrested at this date, Cazeau and Hay, the latter at Quebec on the 15th of April. An Indian gave information that he had been engaged by one Trudelle, of Chateauguay, as a guide to conduct an Englishman to Albany. There was, at that date, contiguous to Chateauguay an Indian village in which many of the Indians in the interest of congress were to be found, and it became the place whence intelligence was transmitted to the south. The explanation given for the cause of the

* The following is the form of the song, with the interlined information to be brought out by the application of heat :

Nous avons ici de soldats reguliers au plus 5,000 hommes ; Québec est fortifié
"J'abjure de bon cœur le Pape et son empire,
mais le Peuple est outré à un point que 3,000 hommes de débarquement entre
Calvin nouveau Docteur est l'objet qui m'attire,
autres sous le Pavillon Français vaudront 10,000, et je crois que si on faisoit
J'abandonne en forme et la Messe et La Loi,
imprimer des commissions en guerre et les distribuer à des sujets tant à Chambly
Calvin et la réforme ont tout pouvoir sur moi."
que dans la bas du Golfe afin de supprimer et abattre les Royalists, etc.

journey was that the person making the journey was engaged in the business of stave-cutting, and designed to "prospect" the woods to find a suitable spot for his operations. The man, one Kenney, was arrested; on being examined, he persisted in the denial made by him that it was his intention to go to Albany. On hearing that Trudelle had confessed that he had been engaged by Cazeau to obtain a guide to that place, he admitted that such had been his design on a matter of business, having been deputed by Charles Hay to obtain the protection of congress for the vessels that Hay was about to despatch in the whale fishery. As this story was too ridiculous to be believed, Kenney in his desperate position made the admission that the true object of his journey was to give intelligence to congress to aid in the invasion, the information being sent by Cazeau. Kenney declared that Hay knew nothing of Cazeau's proceedings. But the fact was established that Cazeau was unacquainted with Kenney until he met him at Hay's house, and the two had travelled to Montreal in the same *cariole.*

Hay's brother, at this date, was a lieutenant-colonel in the service of congress. In 1775, the two, who were Scotchmen, were following the business of stave-cutting on lake Champlain. They early became partisans of the revolutionary movement, and when Montgomery's force appeared before Quebec, they left the city on their own account. Their names do not appear in the list of those peremptorily ordered by Carleton to leave the city.* In 1776, Charles Hay returned to Quebec, while Ulney Hay openly joined the congress troops, with the rank of colonel, and in 1780 was quarter-master-general at Albany. It was from him the message had been received which led to Kenney's expedition.

Upon this information orders were given for the arrest of Cazeau and Hay. Cazeau was a Frenchman who had made a large fortune in trade with the Indians. From having been a friend of Walker's he had early embraced the revolutionary

* [Ante., Vol. V., p. 487.]

side. He had obtained influence with the Indians, and exerted himself to prevent them embracing the cause of Canada. His argument with them was, that, if a reconciliation took place, both sides would remain enemies to their race. He had formed a personal hatred to the government, owing to some request having been denied him. His leading sentiment, however, was to assist the invasion by the French troops, holding that it would serve the interests of congress, and he risked his all in the cause.

The arrest of these parties was considered the more necessary, as the report had been circulated that the authorities had no power to punish any one expressing opinions in opposition to the government, and actively engaging in any enterprise to subvert it. Hay applied to be permitted to engage an attorney ; the request was granted, and application was made on his behalf for a writ of *habeas corpus*. It was dismissed. Although a prisoner, his wife was permitted access to him, and he was treated with consideration and indulgence. Actions in his name were commenced in the civil courts, and the use of writing materials was granted to him. One of the uses he made of this indulgence was to pretend that he owed the witness, Kenney, £40 in order to silence him. Hay was one of the names sent by Clinton from New York as a prominent partisan of congress.

Mrs. Hay seems to have been a person of some family,* and if the memoirs presented by her were written by herself a woman of education and ability. She was unceasing in her application to the home government to obtain her husband's release. She contended that Kenney was merely the bearer of a letter of credit to Cazeau, and that the recommendation it contained was simply a certificate of his prudence and diligence in matters of business. Hay, himself, strongly asserted his innocence. It was owing to the earnest application of Mrs. Hay that the imperial government asked explanations on the point from Haldimand. In his justification he related the circumstances of these arrests.

* [Can. Arch., B. 205, p. 213.]

It is from this fact that the authenticity of the narrative of them is established.*

Some arrests were made in November, 1781. They consisted of three suspected inhabitants of Montreal, Dupont, Carignan, Cazeau, evidently a son or relative of the elder, then a prisoner, and Edgar. Speth was then in command. Haldimand wrote to him to be on his guard in listening to accusations made on trifling suspicion or from private feeling, and directed that no arrests should take place except by warrant of the civil governor.†

Three other accused persons, Noel, Phillips and Malvin Noel, were, with the younger Cazeau, admitted to bail. As a rule the prisoners were generally released, after a short detention, surety being given for their good behaviour. With few exceptions they were dismissed after being cautioned as to their conduct.

An incident happened at St. Geneviève, on the north of the island of Montreal, indicative of the state of this bad feeling. One Poudret *dit* LaVigne with his son Joseph had received commissions in the congress army. The son being extremely ill, the *curé* was sent for to administer the sacrament. The *curé*, known for his loyalty, remonstrated with the son for entertaining such opinions, when the father intervened and said that he would by force make the *curé* do what he would not do willingly. The *curé* had brought two men with him for his protection, one of whom he sent to the commandant in the village for assistance. He had also provided himself with a pistol concealed under his *soutane*. He was only saved by having the weapon at his command. A party was rapidly sent to his rescue, and the men fled.

Although the memoirs of Laterrière are of little value

* Haldimand to Shelburne, 16th July, 1782. [Can. Arch., B. 53, p. 152.]

† "The liberty of the subject being by our laws very sacred, it is necessary that suspicion should be well founded to justify imprisonment. Except in cases where the service shall require immediate decision, it will be necessary in future that you wait for my particular directions as civil governor to apprehend any subject for state crimes." Haldimand to Speth, 22nd November, 1781. [Can. Arch., B. 131, p. 136.]

in throwing light on the political events of the time, there is one point on which they may be accepted ; where he relates anything favourable to Haldimand we may admit its truth, for he has left on record his inextinguishable hate towards the governor.* We learn from his memoirs that his own case was carefully examined by a board assembled at Three Rivers, consisting of Mr. Baby, of the legislative council, Judge Rouville, Messrs. de Tonnancour and Gugy. The result of their investigation of the charge against him was that he was sent to Quebec as a prisoner. The important fact is also confirmed by him, that the only persons in the same room with him were Jotard, Fleury Mesplet and Hay. It was thirty feet square. He mentions that Du Calvet, on having been arrested, was placed with the prisoners sent from Detroit in another part of the building, where several of the congress troops, prisoners of war, were also confined. Had there been the extraordinary number of arrests as asserted by Du Calvet, an unauthenticated statement modern writers have taken upon themselves to repeat, we should have the fact established by Laterrière. Laterrière and Hay each partitioned off a corner of the room, and their wives were permitted to visit and remain with them. Jotard and Mesplet are represented by Laterrière to have been drunk daily, and on one occasion he relates that from their insolence he was constrained to thrash the two. Madame Laterrière, so-called without having passed through the wedding ceremony with Laterrière, had been forced into marriage with one Pelissier, whose bad treatment of her caused her to leave him. The two remained happily and affectionately side by side for the rest of their lives. Jotard, Laterrière calls him "le vilain Jotard," made love to Madame Laterrière ; he received however such a rebuff that, as Laterrière describes it, "il changea de batterie."

With the exaggeration which marks Laterrière, he describes

* "Haldimand étoit d'un caractère dur, avare, vindictif, et se plaisant à faire souffrir l'humanite, aussi a-t-il fait en trois ans une grande fortune (!) et le diable á present s'en doit il rejouir avec lui." [p. 103.]

himself as being confined four years ; he was released on the 2nd of August, 1782, on condition of his leaving the province during the war. Thus he was kept in confinement two years and five months. On the conclusion of the peace, Townshend wrote to Haldimand,* that the imprisonment of Hay, Cazeau, Du Calvet and Pillon was expedient at the time, but it was doubtful if it was longer necessary.

They had, however, been released on the 2nd of May previously to the arrival of the letter. The humbler instruments of this treasonable movement, Hamel, Dufort and Charland, the tools of the more educated members in the conspiracy, were also kept in close confinement, for we find petitions from their relatives for their release. From time to time other arrests were made as suspicion was excited, but I can find no trace that any of the parties so taken were long kept in imprisonment.

Subsequently Du Calvet brought an action in London against Haldimand for false imprisonment. The money, for a time, to meet the legal expenses to some extent was found by Massères, but, if the evidence we have on this point can be accepted, he finally withdrew from this assistance. The suit was defended, and the costs were paid by the British government. Hay also threatened to take proceedings, but it would appear the suit was withdrawn. Belief in the innocence of these prisoners has entirely passed away from all who have investigated the evidence which establishes their guilt. I have before remarked that the leaders in the movement were not British subjects. Hay was the one exception ; they were born Frenchmen, and the prospect of the invasion of Canada by the French awakened in them the feeling that it furnished an opportunity for their personal distinction. It was upon the ground of his French sympathies that Du Calvet applied to La Fayette for aid and support in his claim against congress, and the countenance asked was given to him as a Frenchman who had served the cause.

The measures of Haldimand were, under any aspect,

* [28th February. Can. Arch., B. 117.]

successful. The imprisonment of the accused parties worked its influence in restraining these mischievous intrigues. The first arrest, that of Laterrière, in Three Rivers, attracted great attention. It is plain that his self-assertion was unbounded. We hear no more of similar activity in this quarter; Hay had been the leading spirit at Quebec, and no other name is subsequently mentioned in connection with the movement. The arrests at Montreal, joined to the activity of the commanding officer in unravelling the plot, had the effect of discouraging all who were inclined to engage in such attempts.

Du Calvet's fate was to be drowned at sea. In March, 1786, he left New York for London in a vessel then called the "Shelburne," originally a Spanish prize. A storm of unusual violence was experienced shortly after her departure, during which the vessel is supposed to have foundered, for she was never afterwards heard of. *

It is difficult to obtain precise information concerning François Cazeau. Like the other prominent abettors of the invasion, he was a Frenchman. His career shews him to have been a man ambitious of distinction; but he had neither the education nor the mental qualities to fit him for political life. He possessed great energy; its unwise exercise was the cause of the tribulation through which he passed. Some of his letters have been preserved, and they establish his strong sympathies with the cause of congress, and especially with the French, and they shew his fervent hope for the success of the threatened invasion. He escaped from prison in 1782. After the peace an application was made on his behalf by general Schuyler for permission to return to Canada. †

We next hear of him in France, when he urged his claims against the United States. In a letter to his wife in 1788 he relates that he had published a memoir, but that he had suppressed it at the desire of La Fayette, who wished that nothing offensive should be said by him against either the

* [Can. Arch., B. 206, p. 200.]

† [Can. Arch., B. 175, p. 204. Schuyler to Haldimand, 13th June, 1783.]

United States or congress, and that La Fayette had promised his best endeavours to obtain satisfaction for him. The belief is that Cazeau eventually returned to Canada, his claim against the United States unsatisfied ; but that some allowance was made to his children.*

Early in the spring of 1782, a force, described as composed principally of Virginians, attacked Sandusky on lake Erie. The organization had been made at fort Pitt. The settlement consisted of Moravians, and, according to the accounts which have come down, all who had settled on the upper Sandusky were killed, with the women and children, ninety-six in number. The design was to take Sandusky and hold it in possession. From the importance attached to this position, it was determined by the British authorities to defeat the attempt. Held in connection with fort Pitt, with a large force from Virginia, Sandusky would have furnished a most dangerous base of operations against the posts. An expedition was accordingly organized for its defence. The column, consisting of the Rangers and Indians, was placed under the command of captain Caldwell. This force came upon the congress troops threatening Sandusky, about four o'clock. They retreated to a higher position, where a stand was made. The action was fought until night, both sides holding their ground. At daybreak the contest was renewed. An attempt by the congress troops to sally from the copse held by them was repulsed. At twelve o'clock, Caldwell, being reinforced by 140 Shawnees, made a movement to surround the copse. One passage, by some unexplained cause, was left open, and at midnight the congress troops retreated through it. At daybreak they were pursued by the Rangers for two miles. The Rangers lost one killed and two wounded.

* I am indebted to Mr. Sulte for the reference to Cazeau's MS. letters. One published letter is to be found in Mr. Sulte's "*Mélange d'Histoire et de Littérature,*" [pp. 289–290]. No copy is known to exist of the *mémoire*. It may be inferred, however, that it dealt principally with his claim against the United States and France, and thus furnishes the proof of the justice of his imprisonment. The last known copy of this memoir, originally in the library of Mr. Jacques Viger, was burned at the fire of the Quebec legislative buildings.

Caldwell was himself wounded in both legs. The Indians had four killed and eight wounded, and Levellier, an officer, killed. The total casualties were seventeen. Caldwell reported the congress loss at 250 killed and wounded, including major McClellan, killed.

After the action happened one of those tragedies incident to warfare, when barbarous races take part in it. Caldwell was wounded and unable to proceed to Sandusky. The command accordingly fell upon Turney, who reported the affair. On the third day after the action, the Delawares took as prisoners some of the fugitives, among them colonel Crawford and four captains, whom they carried to Pipestown. Uncontrolled by any representative of British authority, they resolved to retaliate the massacre of the Moravians, with whom they had been intimately connected, upon these unfortunate men. Colonel Crawford and two captains were most cruelly burned. The fact was made known by Girty, who became cognizant of it. Crawford, although subjected to fearful torture, died with great firmness. He was first scalped and hot ashes thrown upon his head, afterwards to suffer a death of agony at a slow fire. Two captains were also burned. Powell, in command at Niagara, reported the occurrence with the greatest indignation. De Peyster wrote to McKee, instructing him to insist on the practice being stopped, otherwise the troops would be withdrawn.

Great activity was shewn by congress in the west against the tribes known to be favourable to the British, in the hope that by the exercise of intimidation they would be deterred from continuing their support to the British cause. The contrary effect was experienced. The destruction of Clark's party on the Ohio had greatly encouraged the spirit of the Indians; while their feeling of revenge, excited by the massacre of the Moravians, and by Crawford's defeat and cruel death, had added to their determination to oppose more vigorously the attacks by which they were threatened.

Caldwell's force was now considerably increased, and he prepared to take the initiative. He advanced towards

Wheeling, on the Ohio, at which place information had been received that an expedition was being organized. He had not gone far on his march when he heard that the congress troops were preparing to march against the Shawnese towns. The reports proving to be generally incorrect, Caldwell proceeded to Bryant's station in the hope of drawing out the garrison to dispute his further advance. Those composing it did not feel equal to meeting Caldwell's force in the field, so the Indians were sent forward to destroy the outbuildings. The fire directed against the fort proved of no avail; some few on both sides were killed and wounded. Caldwell therefore abandoned the attempt, and on the 20th reached Bluelicks. He was followed by the congress troops, who must have been reinforced, for they immediately attacked him. There were present 300 picked men from Kentucky, numbers of whom fell in the action, 140 being killed. The congress troops were completely defeated. Caldwell again crossed the Ohio. Skirmishes with small parties took place from time to time. At the end of September, Caldwell was forced to proceed to Detroit, broken down with fever. Several of his men also suffered from the same cause.

Thus the attempt to obtain possession of the western country in 1782 entirely failed.

On the eastern seaboard, in the summer of this year, Percé was attacked by two privateers; a party landed, plundered the craft lying in the bay of everything of value, and afterwards burned every vessel they could seize. The 12-pdr. in position was spiked and dismounted; two 4-pdrs. were carried away. O'Hara, the commandant, was hurried on board one of the vessels, and, as he describes it, "being acquitted of the crime of being rich, was ordered ashore with every mark of disrespect." The raid accomplished, the privateers sailed away.

In February, 1783, an abortive attempt was made against Oswego. Colonel Willett with 600 congress troops travelled in sleighs from Saratoga, ascending the valley of the Mohawk. As they approached the fort, a deserter was taken by a picket

which had been sent out; from him it was learned that Willett had been misled by the guides. The force advanced to within two miles of the place, and there laid down nine scaling ladders. What made the attempt more ridiculous was, that it was the period of full moon and a surprise was impossible. Willett, judging from the absence of the deserter, that his purpose would be made known to the garrison, and learning the strength of Ross's command, having moreover had experience of his capacity in the field, held that he would be unwise to persevere in his attempt. Ross, informed of Willett's advance, made preparations to receive the attack. When the retreat of the congress troops was known he was not able to intercept it. There were few Indians under his command, as they had been discouraged from continuing at Oswego. Ross, in reporting the attempt to Haldimand, stated, that if at the time he had had Indians under his command scarcely a man of Willett's force would have escaped.* Two of the congress force deserted, two were taken prisoners and one was found dead in the woods.

During the years of Haldimand's government, Canada was afflicted with a contagious disease which passed throughout the province. It became so serious as to demand the attention of the authorities; its duration extended to ten years, at least. After that date we hear no more of its prevalence. Having first appeared in the bay of Saint Paul, below Quebec, it is mentioned in the records of the time as "la maladie de la Baie de Saint Paul." As early as 1775 it had made such progress that Carleton sent a surgeon's mate of the 7th regiment to administer relief to those suffering from it. It was the year of the invasion by the troops of congress, and as shortly afterwards the services of this surgeon were required with his regiment, he was recalled. After the congress troops had been driven out of Canada in 1776, Carleton detailed a M. Badelard, who had been a surgeon in a French regiment, to minister to those afflicted. Haldimand, on his arrival in the country in June, 1778, persevered in the attempt to

* [Can. Arch., B. 57.2, p. 517. B. 125, p. 93.]

combat the disease, and medical assistance was sent to the parishes to which the disease had penetrated. The malady, however, remained unchecked, and gave rise to serious apprehensions. The population of Canada was then 112,000 souls, and it was no slight matter that from 3,000 to 4,000 of the population were affected by this contagious disorder.*

If the list of parishes can be accepted as an indication of the passage of the disease, it crossed Saint Paul's Bay to Saint Thomas de Montmagny on the south shore, and made its way by the parishes above Quebec to Saint Joseph de Lévis, finally reaching Saint Francis and Yamaska south of lake Saint Peter. Sorel escaped, but the disease reappeared on the Richelieu at Saint Ours and Saint Charles. There is no mention of either Chambly or Saint John's, but we read of the malady at Blairfindie, south-west of Chambly, passing to the parishes south of Laprairie, of which place no mention is made. Thence it reached Vaudreuil, to pass over to Saint Anne's, to Lachine, to some of the parishes on the island of Montreal, thence along the north shore of the Saint Lawrence to Deschambault. As no report is made of Quebec or Montreal, it cannot be stated to what extent these towns suffered from the malady. It was doubtless greatly controlled by the medical men present.

In 1785 the disease was reported to have extended to Saint Rochs, then a suburb of Quebec apart from the city, and thirteen cases were also credited to Three Rivers. So much anxiety was felt on the subject that in 1782 the council addressed the governor with the request that by means of the clergy a list of those infected might be obtained from the different parishes, the council giving a pledge to support any measures taken to arrest the evil.

In consequence bishop Briand, on the 9th of February,

* The precise number recorded in the parishes in 1785, according to the reports of the *curés*, was 3,390. No mention is here made of Quebec, Montreal, and Three Rivers. "Notes on the measures adopted by government between 1775 and 1786 to check the St. Paul's Bay disease," by A. W. Cochrane, D.C.L., 6th March, 1854. [Trans. Lit. and Hist. Society, Quebec, March, 1854, vol. iv., p. 139.] This carefully prepared paper gives much information on the subject.

1783, issued a circular letter to the clergy calling upon them to assist in the efforts to eradicate the disease, by learning in each parish the number of those affected, and to report these cases to the grand vicar. The result of these investigations established that the number afflicted was less than was supposed.*

At the departure for England of Haldimand in 1785 Hamilton, appointed lieutenant-governor, continued the efforts which were being made to extirpate the evil. A second circular letter, dated 12th April, 1785, was issued by bishop d'Esglis, who, as coadjutor, had assumed charge of the diocese the preceding year. The clergy were informed that printed instructions would be sent to them for distribution in the parishes, and that medical visits would be made at the cost of the government. A doctor Bowman was appointed to the duty of visiting the parishes. On the 2nd of March, 1786, a circular was again sent to the clergy at the instigation of general Hope, then lieutenant-governor, and a form of return was attached shewing the system of report to be followed.

Dr. Bowman reported that during 1785 he attended to 5,801 cases, supplying the medicines, and in 1786 there were 4,606 cases. Dr. Bowman's bill against the government, based upon the charge of five shillings for each case, amounted to £2,500, with travelling and contingent expenses. On the examination of this account, circumstances suggested that the extent of the disease had been much exaggerated. It was shewn that Bowman claimed to have supplied medicines to parishes where no sickness prevailed, that it was impossible for him to have visited many places named by him, and that his attendance had been too hurried to admit of proper investigation. By his own state-

* Bishop Briand wrote of this disease: "Il n'y a presque plus de paroisse dans ce diocèse ou elle ne soit répandue. Elle commence à nuire au commerce et à l'union sociale; elle retient les voyageurs dans une vigilance gênante; je sais même qu'elle a déjà nui aux fonctions du Saint Ministère."

[Mandements des Evêques de Québec, v., p. 304.]

ment he travelled 2,000 miles in four months, and in one instance administered to the necessities of 500 sick in two days. Whatever the incorrectness of Dr. Bowman's statements, there is sufficient proof of the wide extension and mischievous consequences of the contagion.

Although the subject was attentively considered by the medical authorities in Canada, few papers are available to throw light upon the true nature of the disease. Special reports were made and transmitted to England, copies of which are not to be found in our records. We hear no more of the disease after 1787, a proof that it had ceased to be prominently pernicious. It has never again appeared in Canada. There have been many speculations as to its origin and its character. Contradictory opinions have been given with much positiveness. I confess that I am unable myself to form any view on these points, both from a deficiency of knowledge in such matters and from the failure to meet any authority to guide me. Consequently I have contented myself with relating the facts as they are to be found. *

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* In 1785 the government issued a circular describing the disease, and recommending the treatment to be followed by those afflicted with it. I deem it proper to place this description on record.

"Les premières indications de ce funeste mal se manifestent communément, par de petits ulcères sur les lèvres, la langue, l'intérieur de la bouche, etc.; ce sont de petites pustules, remplies d'une matière blanchâtre et purulente, qui renferment un poison si subtil, que sa plus petite portion est capable de communiquer l'infection ; boire dans un verre, fumer avec une pipe infectée de cette matière vénéneuse, c'en est assez pour faire naître sur les lèvres une petite ampoule remplie de cette même matière, qui venant à se dégorger, dilate la plaie, corrode les chairs circonvoisines, et forme un ulcère plus grand.

"Le linge, les draps, les couvertes, les habits, etc., peuvent communiquer la contagion.

"Il y a des tempéraments qui absorbent le poison et les ulcères paraissent guéris, mais reparaissent bientôt ; et alors le mal est à sa seconde période.

"De plus grands ulcères se forment. * * * Les glandes du gosier, des aisselles. de l'aisne, sont enflammées, et déchargent quelquefois du pus ; souvent elles deviennent des tumeurs dures et insensibles, qui changent de place en les touchant. Bientôt les douleurs se font sentir à la tête, aux épaules, aux bras, aux mains, aux cuisses, aux jambes, aux pieds. Pendant ce temps, le malade croit que ce sont ses os qui sont affectés ; les maux augmentent quelquefois, par

l'exercice, dans les temps humides, et au lit, lorsqu'on commence à s'y échauffer, et diminuent de même vers le matin, lorsque la transpiration survient.

"Le troisième degré de la maladie peut se reconnaître à des croûtes galeuses sur la peau, qui se montrent et disparaissent tour-à-tour. Bientôt les os du nez se pourrissent, aussi que le palais, les dents, les gencives ; surviennent des bosses, sur le crâne, sur les clavicules, aux os des jambes, aux bras, et aux doigts des mains. On voit des ulcères sur tout le corps, qui, après avoir disparu, reviennent. Enfin, des douleurs de côté et de poitrine, la difficulté de respirer, la toux. le défaut d'appétit, la chute des cheveux, la perte de la vue, de l'ouie, de l'odorat, sont les précurseurs de la mort.

"Au reste, il ne faut pas s'y tromper; car quelquefois, les premières apparences du mal se montrent par les symtômes du second et même du troisième degré."

CHAPTER IV.

I have at this date to describe a series of events concerning which some misconception exists, owing, in my view, to their having been obscurely and imperfectly narrated. I cannot, however, conceive that a doubt can exist as to their true character, if the facts are dispassionately and judicially considered. The conclusion as to their intent and purpose is irresistible. I allude to what have been called the "Vermont Negotiations," in which the leading men of that territory, despairing of obtaining from congress recognition of their demand for autonomy, addressed themselves to Haldimand, stating their desire to be reunited to the British empire as an integral part of it; in other words, to return to the old allegiance. However much writers may dwell on the prompting motive being traceable to local dissatisfaction, personal ambition, and the too frequently ruling principle of purely selfish objects, the fact remains that the desire was strongly expressed of returning to what we in Canada still call the happiness of being under British rule. Such a desire furnishes positive evidence that the traditional accusation of tyrannical misgovernment on the part of the mother country towards the old provinces has but feeble foundation, and is in itself no slight vindication of that relationship which some modern writers represent as a continued injustice. The most conscientious United States historians, the class of whom is rapidly widening, evidently feel that this more than willingness to return to the position of British subjects is in itself an answer to much which has been bitterly written against the mother country, and justifies the assertion that the movement arose more from the desire of abstract independence than from the sense of any particular wrong which had been suffered and for which

redress was not obtainable. All who are not blinded by passion must recognise in this demand that there was full confidence in the power, from which this protection was sought, and that there was no dread of arbitrary government or of individual persecution. It remains a proof, after three years of revolutionary war, of the confidence felt in the beneficence and justice of Great Britain in her treatment of her colonies. It likewise shews the prevalence of the conviction that with safeguards against ill judged intervention on the part of the colonial office, and the assurance of the presence of a colonial minister, by ability and training a statesman, every principle of true liberty could have been established, for peace and good government unfailingly to have followed.

There had been constant disputes between New York and New England relative to the territory west of the Connecticut. New York had contended that her jurisdiction had extended to the eastern bank of the river and northward to the Canadian boundary. There had been likewise difficulties between Massachusetts and Connecticut; this point, however, had been decided by order-in-council in 1740. On the establishment of the northern boundary of Massachusetts, Benning Wentworth, then governor of New Hampshire, claimed the northern territory, included between the Connecticut river and a line running from the north-west point of Massachusetts to the south of lake Champlain, thence following northwards the eastern shore of the lake. Patents for land were granted within this extent, such concessions being spoken of in the difficulties of the time as the "New Hampshire grants."

The claims of Colden, then governor of New York, to this territory put forward on the part of that province, led to a conflict of interprovincial claims that caused serious complications. It was owing, indeed, to these disputes that the settlers of the territory finally repudiated the pretensions on both sides, declared their independence, and founded the state of Vermont. As early as 1773 serious riots had arisen from this spirit of self-assertion in the county then known

as Charlotte. A mob destroyed a grist mill, the property of a colonel Reid; some houses of his tenants were burned, others were levelled to the ground. It was on this occasion that application was made to Haldimand, who had lately succeeded to Gage in command at New York, for the employment of royal troops to check the disorder. The request was not entertained, on the ground that in cases of a riot of this character the civil magistrate should call upon the militia to re-establish order. This exhibition of discontent in no way led New York to recede from the exercise of her authority, while New Hampshire equally shewed a disposition to maintain the rights she had asserted.

In 1777 New Hampshire, actuated by the revolutionary spirit then dominant, had framed a constitution, and in the spring of 1778 the new state was formally established. It was an example which the settlers on the New Hampshire grants immediately followed. Those living on both sides of the Connecticut asserted the right to associate themselves together and to form an independent state. It is scarcely necessary to add that the proceeding met immediate opposition both in New York and New Hampshire. Although they disagreed as to the sovereignty over the territory, they were in unison in resistance to this step, and both opposed the claim of self-government. On her side Vermont in no way moderated her pretensions, which included the territory to the extent of twenty miles east of the Connecticut, bounded on the west by the Hudson, from the northern boundary of Massachusetts, extending to the frontier of Canada.

In 1779, delegates from New York drew the attention of congress to this assumption of authority, and they demanded that no recognition should be given to the new state. This view was sustained by Virginia and the entire south, as it was felt that the creation of another northern state would disturb the balance of power, and the precedent was a threat to those states that claimed territory to the Mississippi west of their boundaries.

The first instructions relative to the movement were given by Germain to Haldimand in April, 1779. Haldimand was referred to a copy of a letter to Clinton, which would inform him "of the encouragement he is authorized to hold out to the country they style Vermont to induce them to return to their allegiance." He was likewise instructed that, as his situation enabled him to have more ready access to those concerned, "it was his majesty's pleasure that he should endeavour to open a negotiation with them." * He was to act in concert with Clinton. The letter to Clinton, which was enclosed, expressed the intention of prosecuting the war, and "with regard to the country they style Vermont" he was authorized to erect it into a separate province and to confirm the possessors of land in their titles. †

By the above letters it is shewn that the first intelligence of the dissatisfied feeling of Vermont was communicated to Clinton, and by him reported to London. In March, 1780, Germain again enforced upon Haldimand the vast importance of drawing over Vermont, and in August he repeated that if the Vermont people could be induced to put themselves under the king's protection, it would be of most essential service.‡ In December of the same year, § he gave specific instructions to Haldimand with regard to the offer to be made, that Vermont should be constituted a separate province with every prerogative and immunity. He recognized that the position of those taking part in the negotiations was of extreme delicacy, and that Haldimand had to act with the greatest caution. Should Vermont cast her fortunes with

* [Can. Arch., B. 43, p. 121.]

† [Germain to Clinton. Can. Arch., 3rd March, 1779. B. 43, p. 135.] As this letter has a direct bearing upon a serious charge made against the character of chief justice Smith, to which allusion will be made hereafter, I append the concluding sentence: "What further assurance it may be necessary to hold out to them, you must be the best judge, and therefore I shall only add upon this subject, that the restoring that country to the king's service would be considered a very important service, and that I am commanded by his majesty to commend it to your attention."

‡ [Can. Arch., B. 44, 17th March, p. 8, 8th August, p. 46.]

§ [Can. Arch., Q. 18, p. 155.]

those of Great Britain, two battalions of ten companies should be raised with promise of half pay, Allen and Chittenden to be appointed lieutenant-colonels, and Haldimand, colonel in command, the officers to be appointed by the lieutenant-colonel, subject to the approbation of Haldimand.

In March, 1780, Beverley Robinson, colonel of the New York regiment, wrote to Ethan Allen. He had heard, he said, that most of the inhabitants of Vermont were opposed to separation from Great Britain and were establishing an independent state. He wrote as an American, feeling the distressed condition of his poor country. One of the causes of the continuance of the war was that those who desired an equitable connection with the mother country did not communicate with each other. He considered that two regiments might be embodied in Vermont in support of the royal cause. Any proposal Allen would make would be communicated to the commander-in-chief in New York. Should the letter not be approved, he hoped no insult would be shewn to the bearer, and the matter could drop into oblivion. Any friend bringing a proposition should be protected and allowed to return.

The question of the jurisdiction on the disputed territory came before congress on the 9th of June. The claims are described as being made by New Hampshire, Massachusetts and New York, and the "people of the district, known by the New Hampshire grants." The consideration was deferred until the second Tuesday in September.

When this intelligence reached Vermont, Chittenden wrote from Bennington to Huntingdon,* the president of congress, denying the right to determine the claim to jurisdiction set up by the inhabitants of Vermont. He warned congress that Vermont would resist all attempt at coercion. Vermont felt herself at liberty to make the offer of cessation of hostilities with Great Britain, and to ratify the acceptance of such offer without the approbation of any other body. If congress and the states which congress represented would not support

* [Can. Arch., B. 157, p. 26, 25th July, 1780.]

Vermont in her claim for independence, she was without motive to continue hostilities and "maintain an important frontier for the benefit of the United States, and for no other reward than the ungrateful one of being enslaved by them."

Some correspondence followed with the authorities in Canada, nominally to effect an exchange of the Vermont prisoners in confinement in Quebec. On the 7th of July Ethan Allen wrote to major Carleton that he had received his letter with the one enclosed from Haldimand to Chittenden. Every respect would be shewn to a flag betokening an accredited agent, and no hostilities permitted. A similar observance was expected on the part of the British, when a proper person should be sent to arrange the cartel, the ostensible subject of the correspondence.

There is no trace of any attempt to give a definite character to the correspondence until October, 1780, when, under instructions from major Carleton, and with power to treat with those whom he should meet, captain Justus Sherwood started on his dangerous embassy. He left in a strong head-wind in a cutter, with a drum and fife and five privates. A captain Chipman, apparently a congress officer, and his servant were also of the party. On the 28th they arrived at Skeenesborough, where Chipman left them. Sherwood proceeded to the head of East-bay, where he landed. Having placed three men and a flag in charge of the cutter, with two men and a fife and drum, he proceeded to the frontier post, four miles west of the block-house at Castleton. He arrived at seven, when he was blind-folded and taken to the quarters of the commander, to whom he explained that he was charged with despatches for general Allen. As Allen was at Castleton, the despatches were immediately forwarded.

On the following day, Sherwood had an interview with Allen. A council of the field officers was summoned, to whom Allen explained that he found Sherwood's instructions "somewhat discretionary." Accordingly he desired to have a short conference before proceeding to business. When they were alone, Sherwood explained that he had business of

importance to communicate, but he must ask for Allen's word of honour that no advantage should be taken if his propositions were not agreeable, and in such a case that they should remain unnoticed while Sherwood was present. Allen accepted these conditions, provided "it was no damned Arnold plan" to sell his country and his own honour by betraying his trust. Sherwood assured him that to his mind the business was most honourable, and, on receiving from Allen assurance of fair treatment, Sherwood entered upon the business of his mission. Sherwood delivered the message entrusted to him with tact and judgment. He pointed out that, in Haldimand's view, congress was only duping the people of Vermont, and waiting for the opportunity to crush them. He made known Haldimand's proposition for Vermont rejoining Great Britain, expressing the strongest desire that the conditions would be accepted. Allen protested that no personal considerations could influence him. When in captivity he had been offered a lieutenant-colonel's commission if he would change sides. The proposals, however, affected Vermont dearer to him than his life, and he would take them into consideration. Allen then remarked that they had been too long together, and that they must return to the meeting. The proposal he would keep secret. He advised Sherwood to say that he had explained his business regarding the cartel, and that he had asked the assistance of Allen when communicating to the council the letters of Haldimand and major Carleton. The letters were read by major Fay; they were considered generally satisfactory, with the exception of that part of major Carleton's letter imposing a limitation in the arrangements, which, some present suggested, covered a design upon New York, while the negotiations were being carried on. Sherwood pledged himself that no offensive operations should be undertaken, guaranteeing to inform Carleton through a flag that he had given this pledge.

A circular letter was accordingly written to all commanding officers of Vermont, informing them that a truce had been entered into. At one the council broke up, and

major Fay undertook the delivery by express of Sherwood's despatch. In the evening there was another interview between Allen and Sherwood. On the following morning, Sherwood informed Allen that he had brought secret proposals, and that they could be produced. Allen desired that they should remain in the safe custody where they were. Sherwood was also informed that he would be visited by Ira Allen and major Fay. He was recommended to open the business to them with great care, and not communicate the previous conversation with Ethan Allen. Sherwood was to propose nothing to them but neutrality, and that to take place only when the course had been forced upon them by the tyranny of congress, and an obstinate refusal on her part to grant Vermont her rights.

Sherwood summed up the result of the conference that general Allen declared that he was surrounded by enemies, the most inveterate being in New York. He was weary of war, and was desirous of prosecuting his philosophical studies. His attachment to the liberties of America was strong, and only treatment similar to that of which congress complained as having suffered from Great Britain could lead him to abandon the cause in which he had been so long engaged. Were he to make a declaration of any such intention, his people would cut off his head. Vermont was not now in a position to defend herself, and Haldimand was unable to send a force sufficient to protect her. Thirty thousand men might be upon them in thirty days. Shortly a manifesto would be published, in which Vermont would declare herself a neutral power. So soon as any force was directed against Vermont, he would march with his brigade to Albany and invite the friends of the liberties of America to join him. He would be reinforced by thousands. The county of Berkshire, with a militia of 4,000 men, was anxious to be incorporated with Vermont. Rather than be ruined by congress they would ask help from Canada. Should this event take place, he would recommend Haldimand to operate with force sufficient to be able to establish a post at Albany, and another at

Bennington. For in this attempt 20,000 men would be required, and it would be the best means of bringing the contest to a speedy decision. He advanced these views on the theory that Great Britain should command the seas, otherwise he had no confidence in any protection that Haldimand could offer.

Allen entered into an explanation of what Vermont, in such conditions, would require, and what he himself would expect. It may be briefly said here that the conditions were those which Haldimand was prepared to grant. It was Allen's view that a revolution of this character could only be the work of time, and that it could not be hurried on too fast. It would be dangerous for him personally to wait upon Haldimand, or to receive letters from Canada. The negotiations could only be kept open by flags, and Allen recommended that Haldimand's flag should always include some negotiation with New York, as well as with Vermont. Above all, it was necessary to be careful of spies, who were busy everywhere. Allen clearly gave it to be understood, that should Vermont be recognised as a separate state, the negotiations would be at an end.

On the 30th Allen left for Bennington. Shortly after his departure it was reported that the scouts had learned that major Carleton had returned with a detachment to Ticonderoga, that he was drawing boats over the landing and had sent a detachment to the east of lake Champlain. The intelligence was most threatening to Sherwood, and for a time his life was in danger. He was placed under close arrest with a sentry at his door. There was likewise a report that Indians were on the scout. Sherwood asserts that the whole matter was an invention, a farce on the part of Allen to alarm the country. On the following day, the 31st, Sherwood and his small party were marched off prisoners, with an escort of twenty men. The distance was 28 miles to a place called Pallet. In consequence of an express from Allen the roads were full of militia. All the people were greatly exasperated, so that Sherwood was subjected to con-

tinual insults. The same treatment was continued for the following two days, the march on the 1st of November being made in a heavy snow-storm. On the evening of the 2nd a message was received from Chittenden condemnatory of the treatment to which Sherwood had been subjected, and he was ordered to be left without restraint.

A flag with major Clark had in the meantime been sent to major Carleton. Carleton's name had been brought into prominence in the negotiation, and any movement such as that attributed to him would have been a glaring act of bad faith. Clark returned with the intelligence that the report was groundless. The popular effervescence of feeling became calmed, and an order was sent for Sherwood's release.

He started on the 6th of November for Castleton, but, owing to snow-storms, arrived there only on the 8th. On the 9th Ira Allen and major Fay joined him, to arrange the details of the cartel. Sherwood was forbidden to leave until the 11th, and at night of that day he arrived at East-bay to find the ice two inches thick.

The delay was unfavourable to the movements of Sherwood, for he had to descend lake Champlain in the craft in which he had arrived. The winter had already set in, accompanied with snow and unusually severe weather. In Canada the seasons vary considerably. On some occasions there is open navigation of the rivers and lakes to December; a period of after-summer, the perfection of weather, with bright skies, a warm sun, an enjoyable temperature with the absence of flies. In spite of the leafless trees the fancy can easily suggest that the days are those of mid-September. On other occasions on All Saints' day, the 1st of November, severe snow-storms are experienced, and the shallow water of the lakes curtaining the banks are frozen. Ice is formed two and three inches in thickness, and the navigation of the smaller streams is almost impeded. Such was the winter of 1780.

Allen and Fay, on leaving Sherwood, undertook to proceed to Saint John's as soon as the ice would take. Sherwood's journal reads as if they had originally designed to accom-

pany him. They went with him to East-bay, and, on leaving him, engaged to join him "as quickly as possible." Some further conversation took place, and Sherwood shewed them the propositions of Haldimand, after which the papers were burned. They gave Sherwood some pamphlets of Allen's, he so describes them, with instructions to secure them by night on shore, to avoid all chance of their being taken by parties from New York, and they engaged when they met him to shew their authority to treat. On taking their departure they placed with him ten days' bread and meat. Sherwood's journey homewards was by no means an easy matter. The incidents connected with it may be mentioned, as shewing the risks of travelling in those days before winter regularly set in, that were encountered in even the well settled parts of Canada for half a century later. It was the ordinary experience, more or less, of all whose business led them to travel between the cities. It has long been a matter of the past. We may, however, cast our minds back to other days when these hardships were met, and it may be said, regarded as an unavoidable consequence. Sherwood began with breaking three miles of ice to form a channel to reach open water. He was again stopped and forced to cut his way, on one day through two miles, on the following day through three miles of ice. Between the 17th and 19th of November the cutter was forced through eleven miles, in addition to his previous efforts, before he was in the lake. He ordered the cutter to proceed to Ticonderoga, and, with some men, returned to Skeenesborough for bread and meat. Obtaining what they were able, they carried it three miles on their backs till they found a skiff, which Sherwood appropriated, leaving a message that necessity obliged him to take it, and that in the spring he would replace it.

On the 21st, he reached Chimney Point, where he took in captain Macdonald's family. Shortly after, in descending the lake, he met an officer, Marsh, with a flag for Allen. Sherwood advised him to turn back; Marsh replied he could not do so. At Miller's bay, Sherwood found waiting for him two

men, four women and four children. They had been four days without provisions. Sherwood's own stock of food was short, and his men were on half-rations; nevertheless, he gave them a place in his cutter and fed them as he was able. He describes himself as having thirty rations of bread and meat to divide between thirty-five hungry persons, with a pint of Indian corn for each one. Head-winds and snow-storms impeded them on the following day. On the 23rd the wind was favourable, and they reached Tea-kettle island; on the 24th they arrived at Point-au-fer, where they found shelter and food. Sherwood took a skiff and rowed on to île-aux-Noix. On the 26th he arrived at Saint John's, where he saw major Carleton. The two on the following day started for Quebec, to arrive there on the 30th, when Sherwood made his report to Haldimand.

On the 1st of November a special report was laid before the assembly of Vermont, to the effect that no provisions should be furnished to colonel Hay, the continental commissary-general, a large supply having been given. If the legislature assisted Hay in the purchase, it pledged its faith for payment, "a contradiction to the grand American principle that taxation without representation is inadmissible:" but there was no law to prevent colonel Hay purchasing such provisions as he required. During the period when this correspondence was being carried on with Quebec, Chittenden had forwarded copies of the letters addressed by him to Huntingdon, president of congress, to which allusion has been made,* and to Clinton, Turnbull and Hancock, the governors of the states of New York, New Hampshire and Massachusetts, in which he demanded the relinquishment of all claim of jurisdiction over Vermont, and proposed a union for defence against the British forces.

In February, Beverley Robinson again wrote to Allen, informing him that having sent two copies of his letter, and having received no reply, he was afraid that they had miscarried. In the belief that Allen was still inclined to join the

* Ante., p. 77.

king's cause, he again addressed him. Vermont could obtain all the terms she desired. She could be most useful either by her troops joining the northern army, or by operating with a force from New York. He asked for an answer to his letters.

Allen's reply to this communication was to enclose the letter to Huntingdon,* the president of congress, with the explanation that they were the only letters which had been received, and no answer had been sent. They had been submitted to governor Chittenden and the principal men of the state, and it had been thought most advisable to take no notice of the proceeding. The report † made by Allen of this proceeding to the assembly of Vermont was approved. Allen, in his letter to Huntingdon, likewise set forth the service of Vermont in defending the northern frontier. Congress could not possibly dispute his sincere attachment to the cause of his country, nevertheless he did not hesitate to claim for Vermont the right to agree to a cessation of hostilities, should the state hold this course expedient.

In April of the year Germain wrote to Haldimand one of those extraordinary letters, of which the only explanation is that which has been given, that, designed to be submitted to the king, who unfailingly read all that was laid before him, the text was so formulated as to be pleasing to him. Germain's advices from New York, he wrote, encouraged the hope that the people of Vermont would come in; further, that the numerous friends of the royal cause in Albany would join the movement, and the whole district would return to obedience.

These expectations obtained little countenance with Haldimand, for he had early seen that the policy of Vermont would be guided by the consideration where her interests lay. In July Germain wrote to Haldimand, pointing out that a strong force on the frontier would be the surest means of influencing the negotiations. No effort should be spared to attach Vermont to Great Britain, and no expense to effect that end would be a matter of controversy. Congress was willing to

* [9th March.]

† [12th April.]

acknowledge Vermont as a state only in accordance with the boundaries desired by New York and New Hampshire: an offer so unsatisfactory that Vermont had broken off the negotiations, and there was good reason to believe that they would close with Haldimand. The full extent of the boundaries asked by Vermont could be recognised by him.

Congress indeed had arrived at no decision. In the early months of 1781 the events of the war had been so unfavourable to the cause, that vigorous action in political life was considered to be inadvisable, and the policy observed towards the claim of Vermont was that of delay. The contrary sentiment prevailed in the new state, and the feeling of self-assertion was so strong, that when Allen wrote to Huntingdon in March, he declared that rather than fail in the establishment of their demand for independent jurisdiction, he would retire with the hardy Green-mountain boys into the desolate caverns of the mountains, and wage war with human nature at large. *

Beyond the borders of the state, more than suspicion was felt with regard to what was passing, for, in June, Weare, the clerk of the assembly to New Hampshire, protested against the delay in settling the claims of that state, and gave information to congress that the leaders of Vermont were engaged in important negotiations with the British. †

When Sherwood had left Skeenesborough in November, the arrangement had been made that Ira Allen and Fay should in a few weeks proceed to Saint John's, ostensibly for the discussion of the terms of the cartel. From some cause the appointment was not kept. Chittenden wrote in explanation that they had been unable to cross the lake; there is no reason to doubt that such was really the cause, for he added that commissioners, with colonel Ira Allen and major Isaac Clark, would shortly be sent with full power to negotiate. ‡

* [Can. Arch., Q. 18, p. 173.]
† [Can. Arch., Q. 19, p. 79.]
‡ [Can. Arch., B. 195, p. 70, April 26th.]

On the 7th of May, Ira Allen arrived alone at île-aux-Noix. While representing that he had full powers to act, he explained that for family reasons the other commissioner had been unable to be present. He sent to major Dundas the proposition of the cartel he had to submit, and delivered a private letter for Haldimand. In a conversation with Sherwood, he was not, he said, authorized to treat concerning any union ; he had, however, been instructed by governor Chittenden and general Allen to lay the situation before Haldimand. Owing to the feeling of some members of the council, the time was not ripe for the proposal for any permanent arrangement. What he was now desirous of effecting was neutrality in the contest. Although those who were acting with him were convinced that congress would never admit Vermont as a state, they were unable to consider re-union with Great Britain until the population was better prepared to entertain the proposition. The jurisdiction north of the Massachusetts boundary, claimed by Ira Allen, included the territory twenty miles east of the Connecticut, extending to the Hudson. Sherwood did not fail to represent the advantages which Vermont might obtain by connection with Great Britain, assuring him that Haldimand would grant all that reasonably might be demanded. "We, however, found Allen cautious and intricate," writes Sherwood. What Allen was desirous of obtaining was a permanent cartel, so as to leave the door open for future negotiation. He did not consider it possible at that time to determine the conditions which would assure a more intimate political relationship. Much must depend upon the views entertained by the house of assembly. The eastern inhabitants of the territory were represented in that body, and those living in the west were sending representatives. Allen hoped that by the 15th of June Vermont would be in a position to make a definite proposal, and he expressed himself sincere in the desire that it would take the form he had described.*

There was one condition set forth in the proposals of

* [Can. Arch., B. 180, pp. 59-79. Julius Sherwood's Journal.]

Haldimand, to which Allen took exception; the non-permission to elect the governor. They could always, he said, find timber enough to make a governor amongst themselves. While making no objection to the other conditions, his argument was that several of their friends were desirous of bringing the subject to attention by agreeing, in the first instance, upon neutrality during the contest: that, when the time was ripe during the war to continue the relationship, the negotiation could proceed further. It was clear that Vermont must be a separate government, subject to the ruling power, if that power would give them a free charter in every sense of the word. If they could not obtain this result, they would retire to the mountains and "fight the devil and hell and human nature at large." Sherwood was quite equal to this burst of feeling. He took it quite coolly, remarking that he could not see how "this chimera would intimidate congress, but it would have little influence on an experienced soldier like Haldimand." He explained that in this stage of their meeting, the governor expected some direct advance towards the matter they had before them, and if Allen was in no position to make these advances, he ought to explain the cause why such was the case. The conversation took a discursive turn. Allen, however, ceased to speak in the gloomy tone he had used. He was particular in urging upon Sherwood, that his conversation should not be represented in a light to lead Haldimand to break off the negotiations. He described the politicians of congress as making every effort to secure the territory claimed by Vermont. In the interim New Hampshire had summoned a convention, inviting the settlers on both sides of the Connecticut to attend. Allen represented that the majority were in favour of the views expressed by himself. He had lately been to Albany, and he gave some account of New York political intrigue. He described the dissatisfaction felt by Maryland on the course followed by Virginia. The fact soon became apparent that Allen desired to keep the negotiation open, for Vermont to take the course which expedience might dictate. At the

same time it is impossible to resist the impression that the leaders were acting with good faith, and were desirous of becoming independent of congress and that Vermont should become a part of British America. It must be remembered that they entered into this matter with the risk of their lives, for, in the persecuting spirit shewn to loyalists, the whole of them would unhesitatingly have been hanged by congress, had the act been regarded as one of policy.

CHAPTER V.

On the 17th of May major Lernoult arrived from Quebec with a new commission to conduct the negotiations, upon which Allen engaged Sherwood to represent what had passed in a favourable light. The business of the cartel was fully considered, and Lernoult had privately a long conference with Allen. Sherwood urged Allen to make some direct overtures, but Allen pleaded that he was without authority so to act. He felt convinced that Haldimand would recognise that the Vermont leaders, as they were circumstanced, were doing all that was possible. He explained that general Allen, for his own safety, had been compelled to send Beverley Robinson's letters to congress, for it was known in Philadelphia that such letters had been received. The step was taken in accordance with the views of the legislature. His conduct in not detaining the bearer of the letter had also been approved, and the step had done much to weaken the prejudice of those inclined to favour congress. Chittenden would willingly have given positive instructions to Allen, if it had been in his power; but he was unlike a British general, he was under the eye of a popular assembly, and was not in a condition to support any proposition that he made, or to keep faith in an engagement without the authority of the legislature.

On the 19th Allen wrote relative to the proposed exchange of prisoners, and on the following day received a reply that his proposition was inadmissible. This decision gave him uneasiness, which he did not conceal, and he expressed the opinion to Sherwood that its effect on the legislature would lead to the belief that Haldimand would never agree to any terms with Vermont. He wrote privately to Lernoult on the subject. Sherwood now communicated to Allen the substance

of a letter written to Chittenden, to the effect that colonel Ira Allen's terms for a cartel could not be acceded to. The release of all prisoners belonging to Vermont, even those who had served in the army of congress, was demanded, while it was admitted that the prisoners taken by Vermont had been given over to the control of congress. He was sorry to find that after six months of negotiation so little had been accomplished. When any proposal could with honour be accepted from the state of Vermont, a flag would be received. Allen recognised Haldimand's power to treat, and gave his testimony that the governor "had acted with noble generosity and candour." In justice to him he would engage to efface, as he had been requested, as far as it was possible, all idea of a truce having been concluded between Great Britain and Vermont. He was sorry that he was not able to enter into any proposal for a union. He declared upon his honour that he was sincerely desirous for such an event, and that he would use all his influence to bring it to pass. His brother would do the same. He promised that he would endeavour to have commissioners nominated duly authorised to treat of re-union by the 20th of July, if they were assured that the prisoners they might bring would be exchanged.

Allen left on the 25th of May, much satisfied with the personal attention he had received. In his final interview with Sherwood, he dwelt on the danger of bringing about a revolution, as several of the council and the majority in the legislature had at present no idea of any policy but that of neutrality. His own sympathies had hitherto been with congress, for he entertained the principles which had justified recourse to arms. But congress had learned to "play the tyrant." He now considered that it was the interest of Vermont to accept the terms offered. Speeches of this character did not find any sympathy with Sherwood, who was a devoted loyalist, and he told Ira Allen that he talked wildly. He wished he had said as much when he first came, for his remarks gave suspicion that he was acting on some concealed design.

Before Allen's departure, he wrote to major Dundas that he could not imagine in what manner the idea had originated that he was proposing a truce, but he would be happy to receive proposals on the subject. The British commissioners replied that the word "truce" had not originated with Allen. They were empowered to treat for an exchange of prisoners, but no arrangement could be effected until commissioners were sent with full powers. No women or children could be included in the agreement, and no prisoners belonging to the continental army or any of the thirteen states could be received.

There was another meeting. Allen explained the method he would take of acting according to Haldimand's views of undeceiving the other states about the truce. As far as he dared he would possess the minds of people with the idea of re-union, and would tell commanding officers that he did not know what might happen. He gave the names of some few to whom a message could be sent. The name to whom the letter would be addressed should be written on a scrap of paper, which could be swallowed or destroyed if the bearer was in danger of being taken.*

Those who had represented Haldimand in the interview with Allen were much puzzled with regard to the character of what had taken place. They understood plainly that the movement had in no way its origin in a desire for continuance of the connection with the mother country, but that it had sprung from the conviction that Vermont would obtain better conditions by a re-union with the British provinces. At the early stage of the meeting Allen was reserved and unbending. He afterwards became candid and open, conveying the impression that he would gladly bring over the people of Vermont to his views, and that as a large holder of land, it was to his advantage to carry out his purpose. It was likewise plain that Allen himself was not sanguine of success. He admitted that many were not only in favour of congress, but would also oppose the proposition of Chittenden,

* The names given were governor Chittenden, general Allen, colonel Allen, colonel Brownson, doctor Fay, judge Facit, captain Lyon.

and the Allens, and were prepared unhesitatingly to do all they could to ruin them.

The meeting with Ira Allen at Saint John's was followed by definite instructions to Sherwood, setting forth the terms on which Vermont could be reunited to the mother country. Authority was likewise given to major Dundas to arrange for the exchange of prisoners. Vermont would be created a separate province, to possess every immunity and prerogative. Haldimand expressed his desire of bringing a brave and unhappy people back to their allegiance, so that they might enjoy the blessing of peace, liberty, and honest industry. Considering that they were sincere in the offers they were making, he would be pained at engaging them in any enterprise that would prove ruinous. He was sensible that the utmost caution was necessary, in view of their powerful enemies, and the prejudices with which they had to combat. He agreed that the negotiation should cease, and every step that had led to it be forgotten, in the event of congress recognizing Vermont as a state. On his side, he asked to be apprized of their intentions, that he might more readily assist them. Two battalions would be raised in the state, with the engagement that half-pay would be granted at the close of the war, and that suitable gratuities would be given to those aiding in the reconciliation.

Vermont had not entirely her own way in the matter, for in May, 1781, the inhabitants of Walpole petitioned the legislature of New Hampshire not to be included in the new state.

In July Ira Allen wrote to Haldimand that the legislature had elected three members to proceed to congress to offer terms of union. The design was to make proposals which it was felt could not be accepted. It could then be argued that it was the policy of congress to postpone all settlement until the close of the war and then divide Vermont among the states that were claimants of its territory. Matters were ripening as fast as circumstances would permit. It was difficult and dangerous to attempt to change the opinions of

large bodies of men, and it was only wise to wait for the proper time, when the declaration of the sentiment which guided them could be made. Matters must therefore be left under the rose until the new election, when it was expected that the officials of the present government would be returned. Another denial of justice by congress would greatly influence opinion, and they would be prepared to "take the resolution so long wished for." The citizens who had entered into the state from Connecticut would remain neutral.

Chittenden also wrote to Haldimand that he was glad to find a disposition on his part to alleviate the miseries of so unnatural a war. Nothing could have given him more pleasure than to have effected the settlement proposed by Allen as a prelude to a fuller understanding. He had repeatedly applied to Washington for the prisoners belonging to Vermont to be returned to the state, but had received no reply.

In July Sherwood, with doctor Smith, was present at the Loyal block-house on lake Champlain to meet the commissioners from Vermont. Major Fay came alone, and he was as unprepared as Allen had been at île-aux-Noix in May. He had no written instructions, a circumstance which he explained by stating that at the last election those who held office had been unable to obtain a majority, although within two or three of it. Sherwood found Fay to all appearance candid and without reserve. The governor and council, he said, with the leading men, were working to bring about the revolution as fast as time would permit, and nothing had been omitted which with safety could be done. A paper had been drawn up, to which all admitted to a knowledge of the design had been asked to subscribe. Sherwood asked for it to be produced, and Fay undertook to obtain it. The "Royal George," an armed vessel, moored near the block-house, furnished the place of meeting. Sherwood was so impressed with the genuineness of Fay's statement, that he forwarded his application for the release of a Mr. Brown, brother to the

colonel of the name whom Sherwood had met on his first visit.

Nevertheless, Sherwood was not quite satisfied with Fay, and he asked himself if his apparent sincerity was over acted. It was a question with him whether Fay was entirely honest, or a perfect jesuit. Sherwood had been also led to believe that when the leading men of Vermont were expressing the desire to join Canada, they were likewise aiding the cause of congress. Fay strenuously denied that such was the case. He desired to prolong the negotiations until November, when he declared they would be ready to act. It seemed to Sherwood as if Vermont had two strings to her bow, and it looked as if they desired to spin out the negotiations, so as to be better able to judge the stronger side. After the expiration of ten days Fay desired to leave, and proposed that Sherwood and Smith should meet him in ten days after he had returned home.

It was well understood by the British commissioners that Vermont would be guided by self-interest. They formed the estimate that one-fifth of the population would accept the policy of Chittenden, and that one-fifth were loyalists desirous of union with the mother country. The remaining three-fifths were extreme supporters of the pretensions of congress, little subjected to their nominal leaders, and accustomed to domineer over and persecute the loyalists. How such feelings would be merged in the desire for the well-being of Vermont, was the problem to be faced.

There was also some advantage obtainable to Canada by the continuance of the negotiations, even when uncertain of the good faith of those engaged in them. Except by a naval force ascending lake Champlain, Vermont offered the one direction by which an invading army in force could enter Canada at that quarter; it may be said the only one where it was exposed to invasion. While these amicable relations continued, the province obtained an immunity from invasion. I cannot myself doubt, that there was really a disposition of the leading men to sever the fortunes of the new state from

those of congress, more especially as the geographical position of Vermont at that time, before the days of canals and railways, made her dependent on the Saint Lawrence, the outlet by which her produce could be exported, which, in other words, was upon Canada, as furnishing the best means of reaching the ocean. There was a powerful feeling that in the interest of New York and New Hampshire, indeed, of congress itself, the citizens of the new state had been denied that justice and that liberty of action which the thirteen states in congress had arrogated to themselves. A great number had also learned better to weigh the accusation of misgovernment against the mother country, of which so much had been said. Vermont was experiencing in her own territory, in the language of the Boston agitators, the tyranny from which they themselves had made such efforts to be freed: irresponsible imperial control. Vermont equally claimed the right of forming an independent government based on popular aspirations, a right which congress arbitrarily denied. The leaders knew well the danger ever present on the path they were following. They had been witnesses of, and doubtless in the first days of the revolution, many had joined in the cruel, unrelenting persecution of all who held royalist opinions. There was, moreover, the strong sentiment, that if the power were wanting, the disposition existed with congress to visit Vermont with the extreme mark of the displeasure felt at the self-assertion known to be prevalent in the new state.

In August the question of the New Hampshire grants came before congress, the delegates of New York, on the 3rd, having opposed the claims of Vermont. A resolution was passed that no lands ought to be granted until the dispute was settled, and the matter was adjourned until September.

The Vermont assembly met in August, when some members drew attention to the reports which were being circulated that the council was carrying on negotiations with Haldimand, with the request that the papers might be laid before the house. Contrary to the wish of the government, the question was put and carried. Within a short period Ira

Allen produced a few letters relative to the exchange of prisoners. The explanation was accepted and ordered to be printed, and to be sent to the other states.

The majority desirous of admission into the confederation proposed that commissioners should be sent to congress. The council agreed to the proposal, in the expectation that congress would not recognize Vermont as a state on the conditions asked, and thus the public mind would become prepared for a reunion with Great Britain. At the same time a resolution was passed, declaring that Vermont should not be called upon to pay any of the expenses of the war.

General Allen was in disfavour. In 1780, in a fit of ill humour with the legislature, he had resigned his position in the Vermont force, but in April, 1781, he had been again elected brigadier. In the interval he had written to governor Clinton, of New York, offering his services as a military officer. The fact had become known, and, by the advice of the council, Chittenden refused to sign his commission as a general, and the board of war declined to appoint him to the command.

The commissioners appointed to congress, Fay, Ira Allen, and Woodward, forwarded a duplicate of their commission, signed by Chittenden as governor of Vermont, dated "the 5th year of the independence of this state." Delegates from New York and New Hampshire were present. Massachusetts sent no representative. The commissioners from Vermont claimed jurisdiction on both sides of the Connecticut. Those representing New York set forth that the northern territory west of the river was within the boundaries of that state, that the claim had been recognized by New Hampshire, and the people had been represented in the New York legislature. In 1777 the inhabitants of the district had submitted to the authority of congress, and Vermont had no right to pretend to a separate political existence.

This jurisdiction had been repudiated by Vermont. They had disposed of lands, and had exercised force on all such as had professed allegiance to New York, compelling them to

submit to the authority they had established. Vermont had likewise passed resolutions setting forth that their jurisdiction extended to the centre of the Hudson. Vermont preferred her claim to be admitted as a state with full rights, from the northern boundary of Massachusetts within the limits she had described.

Congress submitted some queries to test, as it were, the feelings of Vermont towards congress. In reply, it was stated that Vermont would contribute to the war such expenses as were judged equitable. With regard to the grants of land to private individuals, they were prepared to be guided by circumstances, without adhering to strict rules of law. The intention was likewise to grant time in enforcing any conditions of settlement on which the land had been ceded. The estimated population was 30,000, and the area of the state nearly five million acres. The question was directly asked, what attempts, public and private, had been made by the enemies of congress to draw off the affections of Vermont from the cause. The reply was, that the only public documents were the letters of Beverley Robinson, which had been placed in the hands of the president of congress. They were unable to vouch in the matter of private correspondence.

The state could furnish 7,000 militia, and sufficient provisions for twelve months were available.

Congress passed resolutions setting forth that, previous to any recognition of Vermont as a state, she must relinquish all claim to territory on the eastern side of the Connecticut, and to the west of lake Champlain, the boundary to commence from the north corner of the boundary of Massachusetts, thence following a line running northerly to the lake.

In accordance with the arrangement made in September, Smith and Sherwood arrived at Ticonderoga, bringing for exchange the prisoners belonging to Vermont. They wrote to Fay and Ira Allen, who had remained at the head of the lake, to meet them at that place to complete the exchange. Fay and Allen replied that they were at a loss to know why

the British commissioners did not join them at Skeenesborough, where they were present with instructions to negotiate the business relative to the change of government. The interview would be of more consequence than could be stated on paper. The British agents accordingly ascended the lake. On meeting Allen and Fay, they learned that the proposals made by Vermont to congress would be rejected; and that as the new legislature consisted mostly of members personally unknown to each other, some short time must be allowed before any appeal could be directly made to it. Under these circumstances it was recommended that a proclamation should be drawn up by Haldimand, in which the conditions of re-union with Great Britain should be set forth, so that it could be issued when the situation was opportune for its dissemination.

The cause of congress had not prospered in the early months of 1781. The continued success of the British arms in the south, the absence of effort in the north, the failure to obtain possession of the western posts, the difficulty of obtaining recruits for the force in the field, the collapse of all money resources, had given rise to the most gloomy anticipations. Allen had at the first meeting correctly laid down the true basis of the success of the mother country: that she should remain mistress of the seas. The unfortunate dallying of Rodney at Saint Eustatius proved only too clearly the disasters that must follow when this supremacy failed. But de Grasse's fleet at that date had not reached the waters of the Chesapeake, and no such success, as followed his appearance there, was even hoped for.

At the end of September, Sherwood wrote that he believed several of the men prominent in public life in Vermont, with a third of the population, were sincerely desirous of a change of government. The prevalence of this feeling had alarmed congress, and, at much expense, agents had been employed to influence the people against their leaders. The principal person so engaged was one general Bailey. The danger was so evident that the resolution had been formed to call for a

vote of the whole population on the question, whether it would adhere to the cause of congress. It was hoped by Bailey's efforts to destroy the influence of the government of Chittenden, to drive its members from office, and that congress would be able to elect its partisans, whom they would support by a large force on the frontier.

When the proposal was made that a proclamation should be issued by Haldimand, he submitted certain queries to which he asked a reply. In the paper given, signed both by Ira Allen and Fay, it was set forth that the suggestion represented the opinion of the government and council. When Sherwood expressed some doubts regarding the alarm which such a step would create in the Vermont legislature, he was told that the feeling would be that of astonishment at its appearance, and that it would not influence congress to grant the demand of Vermont to be admitted into the confederation.

The first duty of the new legislature would be to hear the report of the proposals of congress. The proclamation should be prepared and lodged with the commissioners. So soon as the legislature had rejected the proposal of congress to limit the territory of Vermont, a confidential messenger would be sent with the intelligence, and the proclamation with a flag could then be sent to the governor. It would then be officially submitted to the assembly by the speaker, and it was believed that its conditions would be accepted. Even if it were for the time rejected, its publication would add to the number of those who favoured it.

The proclamation was accordingly drawn up, to be issued when expedient. Its provisions may yet be read with interest. After declaring that he had full powers to treat with Vermont, Haldimand declared that on being re-united to Great Britain, the territory, as claimed by her, should be declared a separate province, independent of every government in America. She should enjoy chartered rights similar to those possessed by Connecticut, except the appointment of governor, which would rest with the crown. Free trade

should be established with Canada. The boundaries of Vermont should extend from the north of Massachusetts to Canada, and from Mason's line on the east to the Hudson on the west. Any force serving in the field should have the same advantages as the royal army. If the overture were rejected, it would be to themselves alone that must be attributed the melancholy circumstances which must necessarily follow.

The legislature of Vermont met on the 16th of October. In a committee of the whole, Chittenden being in the chair, it was resolved that the legislature could not comply with the resolutions of congress without destroying the whole foundation of the present universal harmony, and violating the solemn compact entered into in the articles of union and confederation ; that the resolution of congress, of the 20th of August, " precluded " any proposition made by the agents on the 18th of August, and that it ought not to be considered binding. It was recommended that Vermont should remain firm to the principles on which the government had been assumed. A resolution was passed to send to congress the extract from the articles of union, which enforced that no member should submit to arbitration the independence of Vermont. The question of boundaries they were willing to consider.

The party friendly to entering into the proposed treaty had not obtained a majority in the election ; some members of the council had been defeated. Moreover, by the end of October, those prominent in the movement had become greatly depressed. News had reached Vermont of de Grasse's naval action, in which " the English were second best." The report followed that Cornwallis and his army were closely besieged. The intelligence exercised great influence on the new state. The spies became more active, and the loyalists felt it prudent to observe the greater caution. On all sides it was seen that at this crisis it was undesirable that the proclamation should be made public, for the success of de Grasse's naval operations in the Chesapeake, and the desperate situa-

tion of Cornwallis, had given a strength to the cause of congress it was not possible to withstand.

All the facts establish that the success of the negotiation depended entirely on the situation of Cornwallis. It is a coincidence not unworthy of attention that the resolution of the legislature of Vermont, in which the authority of congress to limit the territory of Vermont was disputed, should take place within a few hours of Cornwallis' proposal for surrender. Had Cornwallis not allowed himself to be shut up in Yorktown with the French in command of the sea, the known facts establish that Vermont would have seceded from congress and become a portion of British America. It would have been the beginning to a different termination of the contest. Such speculations are now of little value. The influence of the surrender was immediate: the news of Clinton's unsuccessful attempt to aid Cornwallis passed northward like wild fire. By the middle of November Cornwallis' situation was known at Quebec, and shortly afterwards the news of the surrender was confirmed.

Haldimand's letters of this date* express his belief in the good faith of those with whom he was treating, even when he recognised as a great difficulty to be overcome, the strong prejudices of the great part of the population. In accordance with the desire expressed that encouragement should be given to those desirous of a reunion with Great Britain, he had occupied Crown point with 1,000 men. They were to avoid all hostility with Vermont. On the other hand, he had sent expeditions against the Mohawk and the frontiers of Pennsylvania. Haldimand judged that the political strength of Vermont was increasing, and that there were signs of congress yielding to her claims. He could not judge how the encroachments on the territory of New York and New Hampshire would affect future politics, but he considered that in the course he was taking he was consulting the interests of the mother country.

It was under those circumstances that St. Leger had

* [Can. Arch., B. 55, p. 109, Oct. 23.]

carried out the expedition against the Hudson, and Ross had destroyed Warrensborough, and had descended the Mohawk to within twelve miles of Schenectady.

The capitulation of Cornwallis destroyed all hopes of any successful result. The proclamation remained a dead letter and was never issued; many who had listened to the promise of future accommodation were prominent in their support of congress, to remove all suspicion that there had been any falling off in loyal devotion to her cause.

In consequence of the favourable news from Yorktown, New York became more self-asserting, and in December a special meeting of the assembly was called at Poughkeepsie. No quorum was obtained until the 28th of February, 1782, when governor Clinton laid before the legislature what are described as "affidavits and papers which prove a dangerous Intercourse and connection between the Leaders of the Revolt in the North-eastern Part of the State (so Vermont was styled) and the Common Enemy." Clinton suggested that the names of persons giving the information ought not to be divulged. The matter was referred to a committee of the two houses, which reported that Vermont had negotiated a treaty, that troops were to be raised for the king, and that the disaffected were emigrating to the territory. A second resolution expressed the determination of New York to enforce its authority, and that the papers should be forwarded to congress.*

* The special meeting of the legislature of New York has, of late years, led to a scandal affecting the character of chief justice Smith, who presided in the law courts of Canada from 1786 to 1794. It is based upon an assertion made in the pages of the "History of New York during the revolutionary period," published by the New York Historical Society in 1879. The writer, Mr. justice Thomas Jones, of the Supreme Court of the province of New York, was born in 1730. He held a high social position and had married Anne, the third daughter of James de Lancey, royal governor of New York from 1757 to his death, 30th of July, 1760. She lived until 1827. The editor, a de Lancey, places the composition of the work between 1783 and 1788. Owing to ill-health, Mr. justice Jones left for England in 1781. After the peace, he was denied all return to his native country, being included in the New York act of attainder, by which fifty-six gentlemen and three ladies, especially named, were declared to have forfeited

In spite of the news from the Chesapeake, which confirmed the surrender of Cornwallis with his army on the 19th of October, the negotiations with Canada did not cease. Those who had taken a prominent part in them, influenced no doubt

their lives, and of whom the estates were confiscated. As Mr. Edward Floyd de Lancey informs us, "a thing never done before and never done since by any civilized people." Mr. Jones died in England, at Hoddesden in Herefordshire, on the 25th of April, 1792.

The charge against Mr. justice Smith is thus stated: In the winter of 1781, Sir Henry Clinton, commanding-in-chief at New York, received by express from Haldimand the proposal of the inhabitants of Vermont to place themselves under the protection of the crown, and that being doubtful if he had authority to act, he submitted the case to chief justice Smith, whose opinion was that he had no authority.

Mr. justice Jones does not say so explicitly, but in as plain language as can be used, he insinuates that this information was conveyed by Mr. justice Smith to George Clinton, the governor of New York, "formerly the bosom, the fast, the confidential friend, nay the pupil of Mr. justice Smith, who had been his patron, his protector, and his adviser." After stating that governor Clinton was soon made acquainted with every circumstance relating to this transaction, Mr. justice Jones asks, "How came he by the secrets?" *

He then tells us that Mr. Smith held 100,000 acres in Vermont under New York grants, subsequent to the New Hampshire grants. His three brothers and several of his old friends, then on the side of congress, were all of them large proprietors, and that this property would have been sacrificed had the claim of Vermont been conceded.

The established facts of the narrative are entirely at variance with the supposition. It was the letters of Sir Henry Clinton to Germain in 1779 which first drew attention to the subject, and he had then received full powers to act. † So there was no occasion to ask any opinion from chief justice Smith. The negotiations were known in a general way to congress and to the state of New York, but no action was taken until the surrender of Cornwallis in October, 1781. The resolutions of the New York legislature in February, 1782, suggest no allusion to chief justice Smith. Moreover, they incorrectly represent the relations of the negotiations between the Vermont leaders and Haldimand. It must be plain that if Smith, who had access to the information, had in any form given it, he would have furnished it correctly, and it is certain that there was no treaty as declared in the New York legislature. The entire facts of the case not only shew the improbability of any such disgraceful revelation on the part of Mr. chief justice Smith, they likewise prove the accusation to be unfounded, and he must be held to be fully absolved from the charge of the dishonourable conduct imputed to him. It is to be hoped no writer of character will hereafter repeat the calumny.

* [Vol. II., p. 209.]

† [Ante., p. 76].

by the geographical position of Vermont, which had at that date no outlet to the ocean but by lake Champlain, in no way abandoned the opinion they had expressed, that the relationship was desirable, and hoped that means would be found to effect it. The correspondence which followed convinced Haldimand that the desire for reconciliation with the mother country was still entertained, however the probability of its being brought to pass had been weakened by late events; and as he had received instructions to spare no expense, he still retained a strong detachment at Crown point.

Early in the summer of 1782, Haldimand received orders from Carleton at New York to act only on the defensive: instructions attributable to the beginning of the peace negotiations. They were necessarily imperative upon Haldimand in the policy he should follow. He, however, did not abandon his theories of the advantages to be gained from the secession of Vermont from the cause of congress, for he foresaw that the example would be followed in other instances. While in a qualified degree he gave his confidence to those with whom he had been brought into relationship, he had no illusions regarding the cardinal consideration, that the majority would be guided as their interest suggested, and by the events of the contest.

In July Haldimand described his embarrassment to Clinton. The change in the home administration suggested that he could not continue to act towards Vermont as he had done, until he received instructions as to the course he should pursue. He would, however, endeavour to keep the people of Vermont in a favourable spirit, for in the event of an attack upon Canada, their alliance would be of importance. He had received the strongest assurances from the leading men of their desire to reunite with the mother country, in which wish they were sustained by half the population, and they were making every effort to influence the remainder of the council, and all but two were favourable to the movement.*

* [Can. Arch., July 20th, B. 148, p. 53.]

Previous to the receipt of this letter, on the 3rd of August, Carleton had informed Haldimand that the peace negotiations had been commenced. Haldimand replied that if there was a determination to carry on the war, rather than come to terms with Great Britain, Vermont, he believed, would join with Canada, if not exposed to the rage of the other colonies. A change had taken place in the policy of congress since Washington had arrived in Albany; the people had been called upon to take the oath of allegiance, or to abandon their settlements. The consequence was that they were entirely over-awed. It was reported that Washington had ordered that all persons who had refused to bear arms in the cause of congress should be put to death.*

In December, 1782, when the peace negotiations had reached a favourable stage and there was assurance of a satisfactory conclusion to them, congress felt that it possessed the strength to treat Vermont with a high hand. A resolution was passed to compel the people of the New Hampshire grants (the state of Vermont) who had expelled certain inhabitants of New York, to make restitution to them, that measures should be taken to enforce this resolution, and that no independent authority be allowed in the district mentioned. The resolution was sent, addressed to "Thomas Chittenden, Esq., of Bennington, in the district aforesaid, to be communicated to the people thereof."

In February, 1783, news reached Canada that great preparations were being made in Albany, with the design of taking possession of the advanced posts on lake Champlain. The general belief, however, was that the organization was directed against Vermont, with the determination to coerce the population and apportion the territory between New Hampshire and New York. Great apprehension was felt in Vermont as to the possibility of such an attempt. The feeling both of New York and of congress was known to be inimical, and Washington had testified great jealousy on the subject of

* [Can. Arch., July 20th, B. 148, p. 63.]

their pretensions. The inhabitants, however, shewed that they were by no means inclined to suffer martyrdom patiently. It was intimated to Haldimand that in the event of this threatened operation being carried out, his protection might be asked. It was even insinuated to him that an application might be made for ammunition, as there was a scarcity of it. Haldimand felt greatly embarrassed, as he had entered into these negotiations before the negotiation for peace had been commenced. He was not only without authority to give them countenance, but his instructions were positive to act only on the defensive. All he could do was to express the hope that no such demand would be made.*

On the conclusion of the peace Vermont claimed to be admitted as the fourteenth state, exempted from payment of any part of the debt; at the same time protesting against the limitations imposed by congress. Agents were sent to Haldimand who expressed the desire to be annexed to Canada, and declared in somewhat magniloquent language, or "otherwise Vermont must become mistress of it." They preferred the former. Haldimand's reply was that he could in no way interfere, as his orders were to conciliate the citizens of the United States. Vermont, however, continued to set New York at defiance, and granted patents for settlements to the borders of Canada. New York, on the other hand, was encouraging settlement on the west of lake Champlain. Hazen, and the few Canadians remaining of his corps, had been established there, each man receiving money according to rank. Haldimand expressed his fears that the measure would increase discontent in Canada, and suggest to many the expediency of proceeding to the new settlement, where

* Sydney, to whom the matter was referred, wrote after the peace, "much will depend upon the reception their proposition shall meet with from congress. The language they have held to you has, to be sure, been somewhat extraordinary. I do not see how it is possible for us consistently with the Treaty of Peace, openly to interfere in their dispute, and, on the other hand, I think it difficult to refuse to take them under our protection, should they be determined to become subjects of Great Britain." [Sydney to Haldimand, 8th April, 1784. Can. Arch., B. 50, p. 155.]

they might prove troublesome. There is no evidence that any such evil consequences followed.

Vermont was finally admitted a state of the union on the 4th of March, 1791, her limits being determined, as previously assigned by congress, from the Connecticut to lake Champlain, a line being traced from the north-western point of Massachusetts to East-bay.

I have felt it incumbent upon me to give the narrative of these negotiations at some length. Of late years they have been frequently mentioned, but neither fully nor accurately. The important principle is involved, that the desire for a re-union with Great Britain is antagonistic to the assertion that the government of the colonies by the mother country was harsh and oppressive. On the contrary, it can be adduced as a proof of perfect trust in the faith, justice, and beneficence of her rule. It cannot for a moment be pretended that the desire to unite with Canada had its origin in sympathy with her institutions, or from any re-awakening of a feeling of loyalty. With the full admission that it arose from distrust of congress, and the failure to obtain recognition of the self-government claimed, the truth remains, that a large proportion of the inhabitants of Vermont were prepared to return once more under the folds of the British flag, with their rights guaranteed, and their claims as a distinct political body recognized. The fact itself is a powerful reply to the tirade of vilification which to this hour is declaimed against the old colonial connection. There was much in these relations which required adaptation to circumstance, and great modification; but these admitted defects are not traceable to a spirit of tyranny, or to the desire of ruling arbitrarily. The errors of government were incident to the time, for the principles of colonial rule had to be evolved by experience, and the traditions of the colonial office were more frequently technical than wise. Even now the complaint is not entirely removed, that occasionally we find, as in the days of ancient Rome, the dominant sentiment of the imperialist to lord it over the provincial. But the outer provinces of the empire

are too powerful in population and resources, their public men too well trained in political life, the self-assertion of the individual too uncontrolled, and in many quarters education is striving to attain as high a standard as that observed in an English university, for the provinces to submit to merely arrogant interference on the part of any home official. It is now clearly understood that much of the trouble experienced to within half a century of this time may be attributed to the prevalence of this influence. Except when based on wisdom and justice in the future, no ear will be given to it. With all our pride in the connection with the mother country, with our loyalty of sentiment, and devotion to the common cause of the empire, the precedents and practice of the colonial office will no longer have weight. For they are regarded in many cases as an impracticable assertion of authority not unfrequently unwisely exercised.

BOOK XXIV.

THE CLOSE OF HALDIMAND'S GOVERNMENT TO THE ARRIVAL OF SIR GUY CARLETON AS LORD DORCHESTER.

ESTABLISHMENT OF THE U.E. LOYALISTS.

THE GOVERNMENTS OF LIEUTENANT-GOVERNORS HAMILTON AND HOPE.

CHAPTER I.

The negotiations which ended in the peace of Versailles, from the influence which that peace has continued to exercise upon the continent of America, in my humble judgment calls for specific mention, and without some knowledge of the political events which, in the mother country, led to their inception, it is scarcely possible to form correct views with regard to the determination of the provisions that the treaty contains.

The effect of Cornwallis' surrender, the news of which reached England in November, 1781, was to create the preponderating opinion, that the re-establishment by arms of the authority of Great Britain over her colonies had become an impossibility. The public mind, as is often the case when agitated by some great event, in no way penetrated the real causes of the disaster. They were in truth attributable to the incompetence shewn in the direction of the war, and the intriguing nature of the minister in power, lord George Germain, who owed his influence to his subservience to the weaknesses and prejudices of the king, and had traced out the campaign from his office table in London, over-riding the views of the men of capacity he disliked. Burgoyne's defence had been, that he had been ordered to perform a duty impossible to be carried out, and that his own generalship had effected all that was attainable. Since his return he had counselled the discontinuance of the war, on the ground that failure only could result. Cornwallis' surrender had painfully corroborated this opinion. The relative weak condition of the British naval force at the Chesapeake, and the failure to prevent the landing of the French troops, followed by the British fleet sailing back to New York, were represented as the natural consequences of the weaker retiring

before a more powerful force. The event was not attributed, as it should have been, to the ineptitude of the ministry in not learning the strength of the French and assembling a fleet of sufficient strength, so that any attempted intervention would have proved nugatory. That such a policy was possible, Rodney's victory of the 12th of April, 1782, plainly shews. Cornwallis, on his part, had also maintained that the duty had been assigned him of defending a position in the circumstances indefensible; the fact being lost sight of, that it had been selected by himself. It was not then known that his operations in Virginia had been undertaken independently of the consent of Clinton, the commander-in-chief, by Germain's approval and encouragement.

It did not enter into the public mind to examine the true causes of the failures during the war; the interference of Germain, in the operations in the field, and the incompetence of the generals who conducted them. Howe's career had been one constant series of mistakes. Burgoyne had no true view of the duty assigned him, and he had been cruelly left by Germain without the co-operation he had been led to expect. The admirals had been actuated by the leading aim of preserving their ships. No one reading the history of that unhappy struggle, and, bearing in mind the strength of the royalist party in the provinces, can for a moment doubt what the issue of the contest would have been, if a minister with a vigour of the elder Pitt in his best days had directed the war, with Clinton in command in New York and Carleton in Canada. But the king could see nothing in the events which had happened, to lead him to modify the line of conduct he had himself observed, in interfering in the operations of the war; he still entertained the unwavering belief that the rebellion must be eventually subdued. In this state of public feeling parliament met. Cornwallis' surrender was announced in the royal speech, but no intimation was made of any change of policy. Even the months which had followed had brought only disaster to Great Britain. Admiral Kempenfeldt, sent with twelve sail of the line to intercept the fleet at

Brest, came up with the French off Ushant. The convoy had been separated from its escort by a storm, and he made prizes of some fifteen transports carrying 1000 soldiers and 500 seamen. As the French fleet formed for the attack Kempenfeldt found that he was opposed by nineteen sail of the line, with two vessels *en flûte*.* Thus, having to meet a force of nearly double the strength of his own, he sailed back to England, his return calling forth the most violent cries of indignation. The event happened shortly before the usual adjournment for the Christmas holidays, in spite of the loud protest that there should be any adjournment. But the ministry required time to consider what course they would follow. When parliament met towards the end of January, Germain had left the ministry. In the state of public opinion he could not have remained in office; a twelvemonth previously he had stated in the house, that as a minister he would never sign a treaty which would give independence to America. So he retired with a peerage, a reward he owed to the king personally for his obsequiousness. †

The news from the West Indies was equally unfortunate. The island of Saint Eustatius was retaken in December, 1781, and in January, 1782, Demerara and Essequibo were recaptured. The island of Saint Christopher with the small islands of Nevis and Montserrat were also regained by the French. The islands of Jamaica, Barbadoes and Antigua were all that the British held of the West Indies. The great loss, however, which worked upon the public feeling was the surrender of Minorca. This event has already been described in connection with general Murray. ‡

The retirement of Germain led to the appointment of Welbore Ellis, a nomination that served to shew the weakness

* A vessel is said to be *en flûte* when the lower deck guns have been taken out.

† On the fact of Germain's elevation to the house of lords, the marquis of Carmarthen moved, that to recommend to the crown for such a dignity, any person labouring under a heavy sentence of a court martial, was derogatory to the honour of the house. On taking his seat the motion was renewed, and Germain's first speech was an effort to clear himself from the sentence of the court martial.

‡ Ante., Vol. V., p. 186.

of the ministry. Their majority on the occasion of each vote was becoming less, when, on the 22nd of February, general Conway moved an address to the effect "that the war on the continent of North America might no longer be pursued for the impracticable purpose of reducing the inhabitants of the country to obedience." The motion was carried in favour of ministers by one vote, 194 to 193. On the 27th it was renewed in different language. The ministry did not directly oppose its introduction, but asked for the adjournment of the debate. In spite of the great efforts made to attain this end, the address was carried by 234 to 215.

When it was presented to the king, his reply, although not setting aside the request, was held to be so unsatisfactory that on the 4th of March Conway moved, that the house would consider as enemies to the king and country all who should advise the prosecution of the war. The address was carried. On the 20th of March lord North resigned.

The Rockingham administration which succeeded entered office under every disadvantage. The king regarded the presence of many of its members as a personal wrong, and determined to undermine the ministry by all the means at his command. Lord Shelburne had first been instructed to form an administration, a fact he suppressed when joining the ministry of Rockingham. During the negotiations, the king declined to have any personal intercourse with Rockingham, and, even in the crisis in which the country was placed, adhered obstinately to the system of personal government which he had endeavoured to create.

Rockingham, pledged to economic reform and to the adoption of a policy in direct opposition to that of the court, would not accept office unless authorised to recognise the independence of the United States, and to conclude a peace with them. One of his measures was to strike a direct blow at the parliamentary influence which the king had hitherto exercised: the disqualification of contractors to sit in parliament.

Rockingham's own feeling, owing to the king's behaviour,

would have led him to discontinue the negotiation, but he was over-ruled by Fox and Richmond, who desired to shew a conciliatory spirit. Under the same influence he consented that Thurlow should remain chancellor. The presence of this unscrupulous man in the cabinet became the element of its disruption, for, as an unflinching supporter of the monarch's pretensions, he remained to thwart the policy of the administration, and to give information to the king when any cause of dissension arose. George III. had resolved by every means at his command to render lord Rockingham's government as powerless as it could be made.

Fox, as the most prominent man in the new cabinet, was appointed minister of foreign affairs. Shelburne became colonial and home secretary, the system of a third secretary of state being discontinued. As it was constituted, the ministry was divided into two classes: those siding with Rockingham, who may be described as generally entertaining the opinions of Burke, and those who followed Shelburne. Burke had been appointed paymaster of the forces without a seat in the cabinet. The fact reads strangely to-day; but these were the times when privilege and obsequious mediocrity obtained the first political prizes. Shelburne, afterwards the first marquis of Lansdowne, entered office distinguished by the favour of the king. If we may judge the motives of men by their actions, he looked forward at no distant time to holding the position of first minister. He early awoke the distrust of his colleagues by acting independently of them in carrying out his purpose. This conduct created the impression that his inclination was to act more in conformity with the royal will than by any other principle. Shelburne's character, like that of most men, was a compound one. He undoubtedly possessed a high order of ability, which had been carefully trained, and he was capable of continuous labour. He does not, however, remain a pleasing portraiture in the history of those days. His contemporaries distrusted his sincerity, attributing to him a want of straightforwardness; and there was the belief that he never hesitated

to descend to subterfuge, when he held subterfuge to be expedient: accusations difficult to be set aside.

In recording the events of this trying time, we cannot place out of view the strong temptation, to which all who were prominent in public life were exposed, from the powerful influence of the sovereign, and the unscrupulous tenacity of purpose with which it was exercised. The king always shewed great skill in the management of those political personages who he judged might be useful to him. Throughout his reign he obtained the support of men of undoubted ability, and made them perfect instruments of his will, so that he could influence the policy of the country to an extent which would not now be possible.

It can easily be conceived that an antagonism early arose between Fox and Shelburne, for Fox distrusted Shelburne. This feeling came more directly to the surface when the question arose, what form the negotiations to establish peace should take. Unfortunately the health of Rockingham was shattered. Indeed his days were numbered, and he was unable to exercise the influence attached to his position, and which his conciliatory character made possible. His intervention would have prevented many of the complications that ensued, and he would doubtless have dictated the policy to be followed, in which he would have been no little influenced by the views of Burke.

It is not my duty to relate the dissensions which happened in this short lived ministry, or to trace the influences to which they may be affiliated. Some acquaintance, however, with the events preceding the treaty is indispensable, so that its provisions may be correctly considered. Fox saw in the support given by Shelburne to Thurlow the chancellor, in his opposition to several of the measures discussed in the meetings of the cabinet, much that was dangerous to the stability of the ministry. He complained also, that Shelburne affected the tone of a first minister, with the confidence that the king intended so to constitute him. When parliament met on the 8th of April, North had obtained

a pension of £4,000 a year; many members were desirous of having the grant set aside, but the constitution of the ministry made any such attempt in parliament impossible. The differences which existed soon became apparent. In the house of lords, Richmond accused Thurlow of resisting every measure of regulation and improvement, when Shelburne went out of his way to pay compliments to the chancellor.

The bill of economic reform was disliked by the king, for it threatened the system he had laboured to establish. With the view of preventing it from being carried, he wrote to Shelburne confidentially, stating his objections to many of its provisions. The letter was to be shewn to Thurlow, and the two made common cause to restrict its operations. It, however, became law, and, although curtailed, it was a beneficial measure and aided in the purification of public life.

One important act was introduced by Shelburne, that the future holders of offices in the colonies, granted by patent, should be compelled to reside in the country where their duties lay.

Fox at no period of his life appeared to greater advantage. He was now thirty-three, and was indefatigable in the discharge of his duty. His speeches abound with good sense, and his good nature to this day remains as a proverb. His reading and his ability were never pretentiously paraded. He seized the main points of a question to present them in their true light, while his frankness of manner and his undoubted sincerity, joined to a genuine kindness of heart, on all sides obtained for him respect. As foreign minister it was his duty to take a prominent part in the peace negotiations. His policy was to unite Russia and Prussia with Great Britain, and that vigorous endeavours should be made to detach Holland from accord with America. To attain this end he was prepared to revise the principles of maritime law. In this view he prepared a letter to be submitted to the king of Prussia. In all these propositions he was opposed by Shelburne. Fox desired to acknowledge unconditionally the independence of the United States, on

the theory that, this object attained, they would soon cease to take any part in the war, moreover, that the step would lead to negotiations with France, from her unwillingness to continue the contest alone. Shelburne acted upon the view of the king, that the recognition of the nationality of the United States must be made by treaty, and that it should be concluded simultaneously with peace with France.

There was likewise a difference of view as to the powers exercised by them in their respective offices. Fox, as secretary for foreign affairs, directed the negotiations with France; he also held that, as the United States were to obtain their national existence as a federal power, it was a part of his duty to determine the conditions on which peace should be granted. Shelburne, as secretary of the colonies, advanced the pretension that as the old provinces were still nominally colonies they remained under his official control, and it lay with him to conduct the negotiations by which their independence was to be acknowledged. This difference of view had great influence on subsequent events, especially from the circumstance that one minister was the confidant of the king, while Fox was regarded by the monarch with strong personal dislike, from the irregularity of his life and the political opinions he entertained. This matter was complicated by a letter written by Franklin to Shelburne, with whom in former times he had friendly relations. Franklin was the United States commissioner in Paris, and, mixing much in society, was in a position to form correct views of the political situation. That astute personage had seen that the time had come for the United States to make peace with England. The war had become an intolerable burden in America; it was even doubtful if it could be longer carried on. Such at least was the declaration made in the appeal to France to obtain an additional loan. The proceedings in the house of commons had given the fullest assurances of the recognition of the independence of the United States. There was nothing more to be gained by perseverance in the war, and if continued it would be to the advantage of France

and Spain alone. It was not for the interest of the United States that France should gain a preponderating weight in Europe, and that Great Britain should be so depressed as to be unable to oppose her in any attempt to dictate her will to the continent. In the state of feeling known to exist with the majority of the French Canadian population, a powerful expedition directed from Europe to Canada could not have failed of success. The few imperial troops in the province could not have held it in possession, with the population disaffected. The French would then have re-taken Canada, unaided by the United States, to hold as a national possession; for any sentiment in that province in favour of congress was limited to some few score of men. It may be remembered, with what repugnance the project of the invasion of Canada by the French had been received, and that Washington intervened to prevent the expedition which Lafayette proposed.

The objection to the possession of Canada by the French was by no means a matter of sentiment, for such a consequence carried with it the limitation of the boundaries of the United States to the geographical extent of the thirteen provinces, as it was recognised at the declaration of independence. The proclamation of 1763 had defined the boundaries of Canada as extending to the Ohio, and no protest had been made against the declaration. It was an accepted fact. Spain, sustained by France, was in possession of the territory of both banks of the Mississippi; indeed, the claim was advanced with the repossession of Florida. Thus an arbitrary limit was threatened, by which the coveted Indian lands would become French and Spanish possessions.

Whatever language de Vergennes may subsequently have held, and whatever view United States writers may see fit to take of his friendly intentions, the course of events which followed the surrender of Cornwallis establishes the determination of France to persevere in the war, that England might be reduced to extremity. The acquisition of independence by the United States was not an important matter in

French consideration, beyond the fact that the loss of the provinces would cause England to be no longer formidable as a rival. France had no sympathy with the claims of self-government put forth in America. Spain was opposed to them, for her ablest statesmen foresaw the extent to which the example would act upon her own colonies, as subsequently happened. France, in her own interest alone, had found money, ships and men to sustain the American revolution, and in her own interest, she desired the contest to be prolonged until the power of Great Britain should be shattered beyond recuperation.

The efforts put forth by France in the early months of 1782 furnish the warrant for this opinion. I have related the successful operations of the French in the West Indies, so that all the islands were in her possession except Jamaica, Barbadoes and Antigua. A powerful fleet, under de Grasse, had left France, designed in the first instance to operate against Jamaica, and, but for the crushing defeat experienced on the 12th of April, the island must have fallen. The smaller islands would have followed. De Grasse would then have been at liberty to sail for the Saint Lawrence. There was no force to prevent a triumphal promenade through Canada. By the majority of the French Canadians he would have been received with open arms, and the correspondence of that date tells us, that Canada was regarded at the time to have been as much an object of the expedition as Jamaica.

Another expedition of the French, in 1782, was directed against the extreme northern British possessions. With a line of battleship and two frigates, La Perouse entered Hudson's bay, his design being to make prizes of the ships annually returning to England with their valuable cargoes of furs, fish, and oil. Failing in this attempt he burned the forts "Churchill" and "York factory," and after the destruction of the property of the company sailed back to France. In this case, there was no ulterior object in destroying the resources of the enemy, as prevention against a threatened expedition. The proceeding has been ascribed

to La Perouse's anger at the escape of the ships with their rich cargoes.* The season was too advanced to attempt any further similar exploit.

It could not but be plain to de Vergennes that there was every disposition on the part of Great Britain to conclude a peace on liberal conditions with the United States, and that there was no desire to make important concessions to France. A proposal had been made to revert to the conditions of the peace of Paris of 1763. There was much in that treaty offensive to the French, and the resolution had been formed by them, not only to get rid of all that was held to be onerous, but to obtain greater concessions in every direction. For this reason the greatest efforts of the war were made in 1782. No exertions were spared to re-take Gibraltar; the ships and troops of France and Spain were massed to effect the conquest. The fact of the noble defence and the failure of the attempt are too well known to need comment. Minorca was also vigorously attacked, and surrendered. There is everything to shew that it was the determination of France to continue the war, and that if the United States looked for her co-operation to assure peace, such expectation could only miscarry.

It was doubtless with a conviction of this state of feeling

* One of these vessels, bound for fort Churchill, was met at sea, and a frigate was sent in pursuit. The captain, Christopher, judging by the steering of the French frigate on his course, that the captain knew nothing of the coast, as night came on furled his sails as if about to anchor. The French captain conceiving that it was dangerous to proceed immediately anchored. The English vessel, re-setting her sails, was soon out of sight. La Perouse, angry at the escape, burned fort Churchill in retaliation. He then proceeded to Nelson river where he anchored. A ship was at fort Nelson, Hayes' river, the captain, Fowler, seeing three large ships at anchor in Nelson river and auguring no good from their appearance, put out to sea in the night. La Perouse sent a fast sailing frigate after her. Fowler, finding that he was being outsailed by the frigate, tacked and made for the south in the hope of enticing the French ship into shallow water, but the French captain, fearing shipwreck, would not follow him, so Fowler escaped. La Perouse contented himself with burning York factory, and then returned to Europe. The third vessel also reached Moose factory in safety, whence she returned to England. ["Narrative of a Voyage to Hudson's Bay in H.M.S. 'Rosamond,'" by Lieut. Edward Chappell, R.N., 1817, pp. 147–151.]

that Franklin made overtures towards a peace. In the journal of negotiations kept by him from the 21st of March to the 1st of July, he assigns his letter to Shelburne as the first step in the negotiations. There had, however, been a correspondence on the subject between himself and David Hartley,* who subsequently signed the treaty as the representative of Great Britain. The remarks of Franklin were submitted to North, and Hartley's replies suggest that the propositions contained in his letters were formulated after conversations held with the minister.

In March, 1781, Franklin had written to congress stating that from ill health he was desirous of resigning, and in the following August congress had refused to accept the resignation. Franklin had previously complained of the great amount of consular business thrown upon him, consequently, in November, Palfrey, who had been paymaster general, was sent to Paris as consul. The ship must have foundered, for no tidings were ever obtained of her. As no steps were taken for another nomination, Franklin again sent in his resignation. He must have felt that it could not be accepted: he was continued in his position, and Thomas Barclay was sent to Paris as consul to relieve him from much of the routine duty.

Franklin had maintained an irregular correspondence with Hartley, then a member of parliament, who had become known as an opponent of the war and a strong advocate for the abolition of negro slavery. In May, 1781, he had applied to Franklin for a passport to proceed to France to discuss the terms on which peace might be attained. The request had been refused by de Vergennes, unless Hartley came authorised to treat. In December a Mr. Alexander was

* [David Hartley was the son by his first marriage of the elder David Hartley, author of several philosophical and *quasi* religious works. The memory of both father and son, it may be said, are alone preserved in our literature by the father having furnished the prænomen to the unfortunate Hartley Coleridge, whose higher reputation has given it *status*. The second David Hartley was born in 1732 and died in 1813. He may be adduced as an example of what may be accomplished by disciplined, studious mediocrity.]

making a trip to London and wrote to Franklin * that as he would be asked regarding the disposition towards peace, he wished to be informed if the view he had taken was correct that "you (the United States) seek only your independence, and that this country (France), were that secured, will be moderate in other matters." Franklin's reply was, "I think the language you mention very proper to be held, as it is truth."

Alexander was the bearer of a letter to Hartley in acknowledgment of a plan of Hartley to secure buildings against fire. Franklin, in writing his acknowledgment, had said, "What are the lives of a few idle haunters of play houses, compared with the many thousands of men and honest industrious families butchered and destroyed by this devilish war. . . . Oh, that we could find some happy invention to stop the spreading of the flames and put an end to so horrid a conflagration." Hartley replied on the 2nd of December that he heartily joined in the wish to stop the "*devilish* war," and that the communication received from Alexander had revived the hopes of peace.

Hartley proceeded to say that Alexander had told him that late events (the surrender of Cornwallis) would make no difference in the opinion expressed, that America was disposed to enter into a separate treaty, and that her allies would consent to this course. Hartley added that the unfortunate union of America and France had for the last three years turned aside the wish of the people of England for peace. † "I verily believe," he added, "so deep is the jealousy between England and France, that this country would fight for a straw to the last man and the last shilling, rather than be dictated to by France. I therefore consider this to be the greatest rub out of the way." With these views, through the earl of Guildford, lord North's father, Hartley placed himself in relation with lord North. He drew up a paper, which he called "Conciliatory Propositions," to which

* [15th December, 1781. Franklin, Vol. IX., p. 111.]

† [Franklin's works, IX., p. 119.]

he obtained Alexander's concurrence, and it was placed by him in the minister's hands. Lord North asked who was authorised to treat, for it was necessary, before submitting any proposition to the council, to know that it came from responsible and authorised parties. These facts were communicated to Franklin, who answered,* that the desire of America to enter into a separate peace was entirely devoid of foundation; and after stating that America spurned the thought of deserting a noble and generous friend, he requested Hartley to inform lord North that "the whole has been a mistake." He gave the names of the commissioners appointed to open negotiations for peace, "it must be understood, in conjunction with our allies." Some other letters followed. On the 20th of March lord North resigned.

In March Franklin met lord Cholmondeley at Passy. It is difficult to discern by Franklin's account under what circumstances; but Cholmondeley's note, given by Franklin in his journal, suggests that it was written owing to some previous communication. Franklin availed himself of the opportunity to write a few words to lord Shelburne, in which he spoke of his personal respect for his "talents and virtues," and congratulated him on the good disposition shewn to America in the votes of the house of commons, with the hope they would tend to a general peace. Rockingham's administration, of which Shelburne was a member, had then been formed. Shelburne acknowledged the letter, adding, nineteen years ago he had discussed with Franklin the means of promoting the happiness of mankind, a subject "much more agreeable to my nature than the best concerted plans for spreading misery and devastation." He had therefore sent over Mr. Oswald, with whom he had had a longer acquaintance than with Franklin. He had consulted "some of our common friends;" this might mean the members of the cabinet, or it might not. He had thought Oswald a fit man to send, and full credit could be given to him.

Mr. Richard Oswald, thus selected by Shelburne as a

* [15th January, 1782. Franklin's works, p. 141.]

negotiator, was a Scotch merchant in London. During the seven years' war he had been an army contractor, and had subsequently acted as commissary general to the duke of Brunswick. He had made a large fortune in the war, and had purchased the estate of Auchencruise in Ayrshire. By his marriage he had obtained large estates in the American provinces and the West Indies. In 1777 he had visited Paris and had become known both to de Vergennes and Franklin. He had been introduced to Shelburne by Adam Smith, whose "Wealth of Nations" had been published in 1776. Shelburne had been one of the first to recognise the force of the argument of this work, and as Oswald also held these views, it was a recommendation to Shelburne's notice. He must have been well advanced in life, for Laurens writes that he had known him for thirty years. He was the bearer of a letter from Laurens, then a prisoner on parole in London.* The introduction must have been suggestive of Oswald's simplicity of character, and Franklin, of all people in the world, was the one to profit by the information.

Franklin received Oswald with kindness. He explained that his negotiations could only be carried on in connection with those of France, and that he himself must await the arrival of the other commissioners. He, however, introduced Oswald to de Vergennes. Although Franklin declared himself to be without authority to act alone, he discussed the situation with Oswald, and quickly gauged the character of lord Shelburne's negotiator. He expressed the desire for a real reconciliation, and, in order that it should be attained, he was of opinion that reparation should be made to the United States for the injuries done to the towns by the British and their Indian allies. Franklin affected great

* One passage of the letter was as follows: "Some people in this country who have too long indulged themselves in abasing everything American, have been pleased to circulate the opinion that Dr. Franklin is a very cunning man; in answer to which, I have remarked to Mr. Oswald, "Dr. Franklin knows very well how to manage a cunning man, but when the Doctor converses with men of candour, there is no man more candid than himself." [Franklin's works, IX., p. 240.]

moderation, and we may learn from his career, that he was never so much in pursuit of his purpose as when he took this tone of simplicity. He could not tell if demands for this reparation would be made, but it would be an act of wisdom to offer it. His proposition was, that, in order to obtain peace, Canada and Nova Scotia should be ceded to the United States, and the unceded land sold to indemnify the Americans who had suffered in the war for their losses and the loyalists for their confiscated estates.

While expressing these views Franklin referred to a paper which he says he frequently looked at. He describes this document as prepared from some loose thoughts to serve as a memorandum, without a fixed intention of shewing it. It is so carefully written, that there can be little doubt that it had been prepared to be placed in Oswald's hands if expedient. The bait took, Oswald found that nothing could be clearer, more satisfactory and convincing that it was a right and proper thing to give over Nova Scotia and the loyalists to the mercy of congress, and that Canada, which, whatever sympathy it felt for France, had shewn none for congress, except with some few score contemptible intriguers, should be also abandoned. He asked for the paper to be shewn to lord Shelburne. Franklin coyly hesitated, but at last consented, adding a note in writing, that the subject named had been a mere matter of conversation. He further gave a note to Oswald for Shelburne, in which he requested that Oswald should be the only person with whom he should negotiate.

Well might he do so. Great Britain had not always been represented by wise men in her treaties. Royal favour, family relations, and political influence have on occasions placed in important positions many who have performed these duties discreditably, but the most inefficient representative of British interests as a diplomatist by whom it was the national fate to suffer was Mr. Richard Oswald. He was possibly honest and desirous of performing his duty, but he was incapable to the last degree. There is one more such character in this history of British America that can compete

with him in this negative pre-eminence, lord Ashburton, whose name to this day is never uttered in Canada without a feeling of contempt and shame.

There is no reason to doubt Franklin's narrative of these meetings. During the negotiations Oswald informed Franklin that the British ministers were, he thought, too elated by Rodney's victory of the 12th of April; that peace was absolutely necessary to Great Britain; that the nation had been foolishly involved in four wars; that money could not be found to carry them on; that if the war was persevered in, it would be necessary to stop payment of the interest due on the national debt; that the enemies of Great Britain had the *ball at their feet*,* and that the hope was, that they would use the power with moderation and magnanimity; and that in this desperate situation the people of England looked upon Franklin as the means of extraction from ruin.

Is it a wonder that, with such a representative of British interests, the United States commissioners obtained nearly all they desired?

The letter of Franklin was submitted to the cabinet, but not the notes of the conversation, which were immediately returned to Paris, after having been shewn only to lord Shelburne. As Franklin's letter shewed a willingness to consider the conditions of peace, Oswald was sent back to France authorized to name Paris as a place of meeting. Fox was instructed to submit the name of a person to conduct the negotiations with de Vergennes. He selected Thomas Grenville, the son of George Grenville. The latter arrived in Paris on the 8th of May, four days after Oswald.

Oswald was the bearer of a private letter from Shelburne to Franklin. At the same time he received written instructions, evidently written to be produced on some future occasion, if necessary, for Shelburne's justification. Did they really represent Shelburne's views? It is doubtful. Of his ability there can be no question, but the impression that he regarded artifice as praiseworthy has survived him. Belief in

* The italics are Franklin's.

this defect in his character was, during his life, the cause to him of much trouble, and has cast its shadow upon his memory. On this occasion Shelburne wrote that Oswald was entrusted to "communicate his thoughts" upon the points he discussed.

Oswald was instructed to demand an interchange of trade, the payment of debts incurred in Great Britain before the war, and the restoration of the confiscated property of the loyalists, with their rights and privileges. The proposals of Franklin as to the cession of Canada were thus dealt with: "The private paper desires Canada for three reasons. 1st. By way of reparation. Answer.—No reparation can be heard of. 2nd. To prevent future wars. Answer.—It is hoped that some more unfriendly method will be found. 3rd. Loyalists, as a fund for indemnification to them. Answer.—No independence to be acknowledged without their being taken care of. Privately, Oswald told Franklin that the written proposal apparently had made a favourable impression on Shelburne's mind, and he had reason to believe that the points involved might be settled to the satisfaction of the Americans; but it was a condition not at present to be mentioned. On Oswald's return to England he carried with him a letter from Franklin in praise of his character, with the hope that he would return, as his presence would contribute to the conclusion of a peace. Franklin now precisely understood the man with whom he had to deal.

Grenville's interviews with de Vergennes conveyed the strong impression, that there was no desire to make peace with Great Britain either on the part of France or Spain. Spain had entered into the war solely with the idea of regaining Gibraltar, while France was desirous of prolonging the war as it would furnish the occasion of increasing her own power, and that she might dictate the terms upon which the United States should gain their national existence. Nevertheless, Grenville was authorized to propose terms of peace, and he had been but a few weeks charged with the duty, when Europe was convulsed by the news of Rodney's victory of

the 12th of April. So crushing a defeat of the French totally changed the relative positions of the several powers. Spain and France, it is true, remained before Gibraltar, and it was not until September that their united force was shattered before the fortress. But the naval power of France was for the time destroyed by Rodney's victory, and if England did not entirely regain her ancient preeminence on the sea, she had obtained strength in the direction which caused her power to be felt most sensibly by the United States.

I cannot pass over in mere barren mention this remarkable victory of Rodney, for I hold that it preserved Canada to British rule. Had de Grasse obtained the success of the previous year at the Chesapeake, Jamaica would have fallen, and the French fleet would in a few weeks have been in the Saint Lawrence dictating the terms of surrender at Quebec. Of all consequences, none was more dreaded by the ablest men in congress, than that the French should again be established in Canada.

Some stress is laid in many histories upon the fact, that Rodney fought this action after having been recalled by Rockingham's ministry. He had been replaced by admiral Pigott, and his recall by Keppel had been couched in the driest official language written by the secretary of the admiralty, Mr. Stephens. I do not consider it a duty to join in this censure. To this day an official notification of recall will not find a place in the elegant letter writer. However great the service Rodney rendered to his country on this occasion, the painful fact stands, that it was his neglect of duty, there is no other word, which permitted the French fleet to appear in overpowering force in the Chesapeake in 1781, and to be supreme. It was this circumstance alone that led Washington to march from New York towards Yorktown, and to undertake the operations which closed with the surrender of Cornwallis. Rodney's conduct on this occasion naturally influenced the Rockingham government. Except for his brilliant services of the following year, the proceeding would to-day be regarded as legitimate.

After the surrender of Cornwallis, Rodney, who represented Westminster in parliament, took his seat and defended his conduct at Saint Eustatius. His past service obtained for him a favourable hearing; Rodney was a favourite with the king, and lord North's majority was at the time able to sustain him, especially as none doubted his capacity and enterprise. We have only to conceive that if in place of lingering at Saint Eustatius, Rodney had proceeded to the Chesapeake and his victory of the 12th of April had been won in those western waters, it would have closed the war. Vermont would have joined Canada, as the reported negotiations establish, and the work of disintegration of the provinces would have commenced. The congress army would have become too weak for any active operations, and the belief is reasonable that peace would have followed.

Rodney returned to the West Indies, reaching the fleet shortly after the capitulation of the island of Saint Christopher, on the 9th of February. He brought with him twelve ships; he was shortly afterwards joined by Hood; and, strengthened by other vessels, he had with him thirty-six ships of the line.

Early in April the French fleet was assembled at Martinique. It consisted of thirty-three ships of the line and two ships of fifty guns. A large body of French troops were on board, in view of the expeditions to be undertaken. To my mind, the presence of these troops in such numbers is a proof of the design against Canada and Newfoundland, for they were required nowhere else, certainly not for the operations against Jamaica.

As Rodney knew it was the intention of the Spanish fleet to effect a junction with that of France, it was his policy to fight before they came together. He detached cruisers to watch the enemy's movements, and the signals were transmitted by a line of frigates. On the 8th of April it was known that the French were under way. The British fleet, then at Saint Lucia, in anticipation of this movement, had been kept in a constant state of preparation, and within two hours after the

news was received was standing out to sea. Rodney, in the "Formidable," was in the van. Sir Samuel Hood, in the "Barfleur," led the second division. An indecisive action took place on the 9th, in which two of the French ships suffered. On the following night another French ship was greatly disabled by a collision. The result of this manœuvring was, that by the night of the 11th Rodney succeeded in bringing his fleet so close to the French that avoidance of an action on the following day was not possible, if the English determined to fight, and such was Rodney's stern purpose.

He commenced the action as early as it was light, on the morning of the 12th of April, about seven. There was little wind, so Hood's division only reached the scene of action towards the close of the battle. It was on this occasion that Rodney, in the "Formidable," led the way in breaking the French line, by which the ships so formed were thrown into confusion. The action lasted until dark. Five ships of the line were taken, one was sunk. Among those taken was the "Ville de Paris," which was fought with great gallantry to the last. The other French ships escaped, excepting four, subsequently taken by Hood. All the vessels were so disabled, that it was owing to the calm which succeeded and made pursuit impossible that any of them remained untaken. The loss of the French in the actions of the 9th and 12th is generally named at 3,000 killed and 6,000 wounded. The British loss in killed and wounded was under 1,000, and Rodney did not lose a ship.

On board the "Ville de Paris" were the entire train of artillery and the military chest. The French ships which sailed away from the scene of action were so shattered that they sought shelter as soon as they could find it. They could not be re-united for any operation of war. In the view of continuing any further aggressive movement, the French fleet had been destroyed, and Jamaica and Canada remained unassailed.

Rodney repaired to Jamaica and thence to England. The service he had rendered to his country met the full appreciation it deserved. History has placed on record how this victory raised the fortunes of Great Britain from the desperate position into which they had fallen. Its influence on the peace was immediate. But as the operations were still actively urged on against Gibraltar, there was still the hope that England might be humiliated in that quarter. The recognition of Rodney's service, when estimated by the honours paid to lord North and Germain, does not exact our respect. Germain had received an earldom, lord North a pension of £4,000 a year, both at the personal desire of the king. In modern times no such reward for obsequious incompetence could be granted. Rodney was created a baron with a life pension of £2,000.

The strength which Rodney's victory gave the administration led to Grenville being authorized, if he found it to be expedient, to offer the recognition of the independence of the United States, previous to entering into the conditions of a general treaty. As secretary for foreign affairs, Fox had claimed that the negotiations entirely appertained to his department. Shelburne, however, still maintained, that his position as secretary for the colonies gave him control in all intercourse with them. In this view he had the support of the king, and he was sustained by a majority of the cabinet in his proposition for the return of Oswald to Paris, in accordance with the desire of Franklin. Fox desired to place the matter entirely in the hands of Grenville. Grenville on arriving at Paris had found Franklin ready to discuss the points for the negotiation of peace, but when Franklin had been informed by Oswald that Grenville would be one of a commission to treat with the United States ministers, Franklin's manner was changed to extreme reserve. Oswald spoke to Grenville as openly as to Franklin, and it was from Oswald that Grenville learned the fact of Franklin's paper being placed in Shelburne's hands. Grenville, accordingly, wrote to Fox, detailing this information, and suggested that

he should be recalled, and the duty assigned to some person of high rank to conduct the whole negotiation.

Fox was exceedingly indignant at this intelligence. For the first time he had been informed of the paper placed by Franklin in Oswald's hands, and he was ignorant of the intention on the part of Shelburne to invest Oswald with full powers, although Franklin had been made acquainted with it. This proceeding he regarded as a direct interference with Grenville's mission. Franklin has recorded, on Oswald's authority, that when the cession of Canada had been mentioned to Fox, he was entirely opposed to it; and it had been advanced in Franklin's paper as a basis of negotiation. Fox communicated his views to Rockingham, Richmond, and lord John Cavendish, and they agreed with him that the negotiations should be conducted by Grenville.

The matter was brought before the cabinet. Rockingham was then dying, and in his absence the members were equally divided. At the first meeting, Fox's motion for the recall of Oswald was refused, the reason assigned being that there was cause for disbelief in de Vergennes' sincerity, and the expectation that a separate peace might be negotiated with the United States, so that England, freed from operations in America, would be able to cope with the powers in Europe hostile to her. Fox determined to make a last effort to assert his position, and on the 30th of June moved that the independence of the United States should be unconditionally acknowledged, arguing that the minute which had been passed was virtually to this effect. The motion was opposed by Shelburne, for assent to it would have taken the negotiations entirely out of his hands, and have placed them with Fox as foreign secretary. The cabinet was equally divided, but Conway voted with Shelburne. Fox immediately stated his determination to resign, and it was only from the extreme illness of Rockingham that he did not so act. Rockingham died the succeeding day. Rockingham's death was followed by an effort on the part of the members of the cabinet who sided with Fox, to place the duke of Portland at its head.

With this view they proposed his name to the king. The king without delay answered that he had appointed Shelburne first lord of the treasury. Fox immediately resigned. The only member of the cabinet who accompanied him was lord John Cavendish. The duke of Portland, Burke, Sheridan, Althorpe, with some others not in the cabinet, took the same course. On July the 11th, parliament was prorogued and did not meet again until December.

The negotiations were now carried on entirely by Shelburne, and for the next two months little progress was made. France and Spain were waiting to see the result of the operations against Gibraltar, in the hope that their success would enable them to wrest that fortress from England. Shelburne was prepared to cede it, and the king attached little value to it, provided he could obtain some equivalent to satisfy the national feeling. Great Britain was really desirous of peace; it was, however, the general sentiment that in recognizing the independence of the United States, the country was making great sacrifices, and was conceding the principle to attain which the war had been begun. The United States were obtaining the object of their contention, and were equally desirous that hostilities should cease. Whatever bold face they assumed in Europe after Cornwallis' surrender, it was felt in the provinces which were the seat of the war that the cause was still desperate. The navy no longer existed. Of the thirteen vessels ordered to be constructed by congress, not one remained. Two had been destroyed on the Hudson, three on the Delaware, and the remainder, with those which had been bought, had been taken or burned at Charleston, Penobscot or at sea. One vessel, the "America," had been presented to the king of France. The debt had become immense for the confederacy, and the continental paper had ceased to have value. Congress was destitute of money, and the several states, as they now claimed to be, paid nothing into the treasury as they had been assessed. Recruiting for the continental army had almost ceased. What additions to the force were made, were levies raised for a few months' ser-

vice by the different states. Congress, nevertheless, remained a name which had great weight, and every step was taken to increase its importance. Meetings were held with closed doors; no reports of debates were permitted; and the whole proceedings, with the jealousies, differences, and disputes accompanying them, remained concealed. It is now known that the numbers present were often below thirty. When they met it was for the transaction of business. There were no speeches delivered, the discussion was in the tone of men familiarly dealing with the matters to be transacted. The want of money was the burden terribly felt, and it was on this point France really rendered assistance. In the last year of the war, although the rulers of France saw that bankruptcy was sure to overtake their own country, nevertheless, they lavishly subsidized the United States, from the knowledge that the revolutionary movement must otherwise have collapsed.

This condition of the United States at that time being now known, it is impossible to refuse our sympathy to the constancy of purpose, and the perseverance which dictated the continuance of the contest. The feeling was strong, with those who knew precisely the condition of the country, that it would be impossible to keep an army in the field for another year. No new men could be obtained. The interest of the debt remained unpaid. Congress endeavoured to introduce a customs act, levying five per cent. on imports. It met so much opposition, especially in Virginia and Massachusetts, that it was abandoned. Hancock, the governor of Massachusetts, vetoed the act, and Virginia protested against it as injurious to its sovereignty, and destructive of liberty.

The United States negotiators at Paris had no illusions regarding the absolute necessity of peace, and were desirous of concluding the war on the best conditions they could obtain. They distinctly saw that France was actuated by no such view; on the contrary, that she desired to prolong the war for her own ends, and would assent to peace only on the conditions desired by herself. This feeling was the more

embarrassing to the United States, that they were forced to renew their application for assistance, for the war could only be carried on by money furnished by France.

Another difficulty had shewn itself in the attitude of Vermont. Dissatisfied with the treatment which refused recognition of her existence as a state, in deference to New York and New Hampshire, the leading men had entered into negotiations with Clinton and Haldimand for the separation of Vermont from the federation, and for union with Canada. I have related the history of these transactions, and it is plain that had it been to the interest of Vermont to abandon the cause of congress, that course would have been followed.

The greatest dissatisfaction existed in the army. The men who had fought the battle of congress had been treated with harshness and wrong, the payment owing them had been evaded, and there was a common sentiment in all ranks that when their service was no longer needed, they would not even receive what was due to them, and would certainly be cast aside without consideration or care for their future. A promise of half pay had been given by congress the preceding year; but there was in New England extreme hostility to the measure as non-republican. The spirit, which in the first years of the troubles had created the difficulties with the mother country, was now prepared to reassert itself in opposition to the officers by whom their independence had been won, in setting aside their claim to be paid what was their due, and in refusing to extend them honest treatment.

On September the 13th the attack on Gibraltar was vigorously made by the combined fleets of France and Spain, aided by a land force of 40,000 men. By the morning of the 14th they had experienced an overwhelming defeat. The battery vessels specially constructed, from which so much had been expected, had been entirely destroyed. The fleet was driven off with a loss of 2,000 men, and the attack failed in every respect. In the weeks which followed, lord Howe

succeeded in amply supplying the fortress with provisions, and thus this memorable siege ended.

There could now no longer be delay; the negotiations had to be determined in one form or another; there was either to be a cessation of hostilities, or war had to be continued with increased activity. Great Britain had arisen from the feeling of depression. The victory of Rodney, and the defence of Gibraltar by Elliott, had awakened the national spirit. France and Spain had, at least, been humbled; and if the prosecution of the war was still unavoidable, the power of endurance, which marks the British race, asserted itself in its full ancient strength to meet the trials of the future, whatever aspect of danger they might present.

CHAPTER II.

It is necessary to allude to the efforts for the attainment of peace made in the revolted provinces in 1779, at the instigation of Gérard, the French minister. The confusion into which the finances of France were rapidly falling had suggested this course, and had led France to induce Spain to make an offer of mediation. Spain, owing to her possessions in America, still maintained a powerful navy. She had no sympathy with the colonial claim of independence, for she dreaded that the example would affect her own colonies. She was, moreover, desirous of regaining Florida, with an accession of territory on the east of the Mississippi. The offer of Spain being rejected, she ranged herself on the side of France, and considering that the time was opportune to regain Gibraltar, she declared war against Great Britain.

Nevertheless, both Gérard and his successor, Luzerne, exerted themselves to promote peace, and strove to moderate the demands by which it could be negotiated. Each recommended that the United States, similarly to the Swiss and Dutch, should be satisfied with an indirect acknowledgment of their independence. All claim to Canada and Nova Scotia was discountenanced, while the pretensions of Spain to the possession of the territory east of the Mississippi received their strong support. It was likewise considered, that the right to fish on the banks of Newfoundland should not be pertinaciously demanded.

All the sectional interests of the United States were actively brought into prominence in the discussions which followed. Finally, the determination was formed that the Mississippi should be claimed as a boundary to the 31st degree of latitude, such being the northern limit of Georgia. The northern boundary was described in accordance with the

proclamation of 1763, which defined the province of Quebec to be traced by the line from the high lands, meeting the 45th parallel, which it followed to the Saint Lawrence. Only the full unconditional independence of the United States would be accepted.

Massachusetts, however, persevered in the demands for the right to fish on the banks of Newfoundland, while Virginia claimed the free navigation of the Mississippi. Neither was specified as indispensable; but subsequently in the private instructions given, the right of fishery in Newfoundland was to be rigidly enforced.

Serious differences of view arose through the appointment of commissioners to conduct the negotiations. Adams received the support of New England and Pennsylvania, Jay had the support of New York and the south. A compromise was effected, by Adams being nominated to treat with Great Britain, while Jay was sent to Spain to negotiate a loan of five millions, and to acquire the free navigation of the Mississippi. Shortly afterwards Laurens was appointed to proceed to Holland to obtain a loan in that country.

Towards the end of 1780 and in the first months of 1781, there was a strong desire for peace in the southern provinces, the basis to be the recognition of the independence of the States in some modified form. After the battle of Camden, it was proposed to attempt to enlist Spain in the cause, and to obtain her aid by the abandonment to all claim to the territory east of the Mississippi. France was still desirous that hostilities should cease, and at this date there was no ground for belief in the eventual success of the war. On the contrary, it was held advisable, if possible, for it to be brought to a close, if favourable terms could be obtained. Such was the general feeling of the provinces, except in the New England states. The latter had not suffered from the pressure of hostilities, except in the seaboard towns, which had harboured their privateers. The empress of Russia had offered her mediation to obtain a peace, and the emperor of Germany, at the desire of Great Britain, agreed to join in the attempt at

reconciliation. On the intelligence being communicated to congress by the French ambassador, five commissioners were appointed to act with France. Franklin, Adams, Jay and Laurens were selected, together with Jefferson, who subsequently, owing to the illness of his wife, declined to act. As George III. refused to entertain any proposition which had its basis in the independence of the United States, all negotiation ceased. The fact, however, is useful in shewing that at that date France was perfectly tired of the war, and it establishes the desperate condition of the provinces from which the surrender of Cornwallis alone redeemed them.

The above were the commissioners who subsequently with the British plenipotentiaries discussed the conditions of the treaty. For a time Franklin was alone in Paris; he did not, however, fail to communicate to Adams his correspondence with Oswald and Shelburne, and it was equally made known to de Vergennes. In their absence he carried on the negotiation, and, as early as the 9th of July he had submitted to the facile personage with whom he had to communicate the conditions which the United States would accept. He described as "necessary articles": 1. Complete independence and withdrawal of troops. 2. Settlement of boundaries. 3. The limitation of the boundaries of Canada to their extent previous to the Quebec act, if not to still narrower limits. 4. Freedom of fishery on Newfoundland and elsewhere, "as well for fish as whales." He also recommended additional conditions "as advisable," for the purpose of thoroughly attaining a complete reconciliation, viz.:—

1. Indemnification of those ruined by the destruction of towns. Franklin valued the cost at from £500,000 to £600,000. The sum would not be ill bestowed, he said; it would conciliate many, and without it great animosity against Great Britain would be called forth. 2. An acknowledgment by act of Parliament of the error of England in distressing the colonies. 3. The ships and trade of the States to have the privileges granted to British ships and subjects.

At this interview Franklin declared that nothing could be

done for the loyalists. Their property had been confiscated by state law, over which congress had no control, and he withdrew the suggestion submitted by him, that by the cession of Canada a stipulation might be made in their favour.

On the resignation of Fox, Grenville also resigned and Alleyne Fitzherbert, afterwards lord St. Helen's, the minister at Brussels, was appointed his successor.

Franklin had construed some remarks of Grenville into the assertion, that Shelburne was not prepared to grant full independence, consequently he demanded some express acknowledgment, that this recognition should be made perfectly distinct from the treaty. A commission was accordingly given to Oswald, empowering him to treat for a peace or truce with the colonies or plantations. The language is guarded, and the influence of the king can be traced in the phraseology, as if to shew that he yet hoped to avoid direct recognition of the independence asked. * Oswald, however, received authority to concede full independence, if the United States commissioners would treat in no other terms.

In spite of Franklin's positive declaration that the demand could not be entertained, he was likewise instructed to obtain ample satisfaction with regard to the debts due in America to the creditors in England, incurred before 1775; and likewise to demand restitution of the confiscated property of the loyalists, or that full indemnification be allowed for it.

It was at this date that Jay arrived in Paris. He was then thirty-six, and not entertaining the same views as Franklin, forty years his senior, felt no little embarrassment as to the course he should take. Oswald describes his first interview with Jay. He had shortly before been told by Franklin, that he hoped they would agree, and not be long about it. Jay took the view that recognition of independence

* "to treat, consult and conclude with any commission or commissioners named, or to be named by the said colonies or plantations, and any body or bodies, corporate or politic, or any assembly or assemblies, or description of men, or any person or persons whatsoever, a peace or truce with the said colonies or plantations, or any of them, or any part or parts thereof."

ought not to be part of the treaty; that it should be expressly granted by act of parliament, and an order be sent for the immediate withdrawal of the troops; and that, as nothing had been done by parliament, the king should issue his proclamation to that effect. Jay's chief topic of conversation was the grievous treatment the provinces had received at the hands of Great Britain, while he dwelt upon the attachment towards the mother country which had previously been felt, "a detail of particulars as unnecessary as it was unpleasant" for Oswald to repeat.

Had Oswald been a man of spirit and ability, he would not have taken the contemptible apologetic tone he used. He would have told Jay that the fomenters of the rebellion had sought systematically the quarrel, that they had deceived the British people by the assertion that they desired no separation; that they had ruthlessly persecuted the loyalists who had taken the opposite side; that without provocation they had invaded Canada, and had held the province as a conquered possession; that Montgomery had promised to give over Quebec to his soldiers to plunder, if they would storm it. Instead of this high ground, in accordance with the facts as they may be known, Oswald could only blame the refugees, who had represented, that Government had so many friends in the American provinces that they required only moderate support to regain the country. Jay was perfectly ready to join Oswald in his blame of the unhappy refugees, with the declaration that they were men guided only by their own interests. This was Mr. Oswald's view of the loyalists, who had sacrificed their all to maintain the connection with the mother country.

The misfortune is, that assertions such as Jay made on this occasion pass for history in modern times, not simply in the United States, but with too many English writers who will not give themselves the trouble to investigate the facts.

Jay objected to the wording of Oswald's commission, and declined to enter into any direct negotiation until the United States were recognized as a nationality. He described the

peace he desired to obtain as being of so lasting a character that it would not be the interest of either party to violate it. Franklin, on the other hand, considered Oswald's powers to be sufficient; but de Vergennes, who was not desirous that the negotiations should proceed, notified Fitzherbert that he would decline to take any further steps on the part of France, until the independence of the States was fully admitted.

Oswald's communication of this fact did not lead to any change of the wording of his commission. The British cabinet, however, expressed its readiness to commence negotiations on the basis of the "necessary articles" of Franklin, but at the same time declared that the limit of Canada must be considered in accordance with the proclamation of 1763; that the right of drying fish on the shores of Newfoundland could not be conceded. Oswald, however, was urged to prevail upon the United States commissioners to proceed with the treaty, admitting the articles of independence as a part of it.

Jay, who had formed some doubt of the good faith of the British ministry, was led entirely to change his views, owing to a memorandum presented by Rayneval,* who held a high confidential position under de Vergennes, arguing against the right of the French to the valley of the Mississippi. At the same time the copy of an intercepted despatch was placed in his hands from Marbois, the French *chargé d'affaires* at Philadelphia, to de Vergennes, which reprobated the pretensions of New England to the Newfoundland fisheries. A change consequently took place in the feelings of Jay and created a strong distrust of France, a sentiment that he always retained.

Hearing that de Rayneval was proceeding to England under an assumed name, Jay placed himself in direct commu-

* [Gérard de Rayneval was the younger brother of Gérard, the French minister to the United States. He had been at the head of the foreign department from 1774; he was much liked by de Vergennes, and was his confidential secretary.]

nication with Shelburne. Early in July, Shelburne had despatched to Paris a forgotten writer on political economy, one Benjaman Vaughan, with whom he was personally intimate, and who was likewise known to be friendly with Franklin, to assure Franklin that the change of administration would lead to no change of policy. Jay, impressed with the bad consequences which might result to the negotiation by de Rayneval's presence in London, influenced Vaughan to return to England to put Shelburne on his guard against de Rayneval. He pointed out that it was the interest of Great Britain to break the alliance between France and the United States, and that on his part he would waive the demand for the preliminary acknowledgment of independence, if Oswald were instructed to describe the old provinces, not as colonies, naming them one by one, but as the "Thirteen United States of America."

Shelburne, accompanied by lord Grantham, the secretary for foreign affairs, received de Rayneval. He informed the French emissary that he was prepared to make great concessions with regard to the French fishermen at Newfoundland: privileges which appear only to have been limited by the refusal to admit French sovereignty over any part of the island, a proposition that was also earnestly opposed by Grantham. On his side, de Rayneval claimed that France should be placed in the position of 1754. The demand was resisted; but, perceiving that there was a disposition on the part of Shelburne to meet the French requirements, he moderated the conditions he had submitted, and the interview proceeded satisfactorily.

When the Spanish claims were discussed, de Rayneval, after some hesitation, told Shelburne that Gibraltar was as dear to the king of Spain as life itself, and that if cession was refused, peace was not possible. Shelburne answered that Gibraltar would prove in the negotiation, what it was in the sea, "a rock," and that he did not believe the English nation would permit its surrender. Such had been the opinion of Fox. To this demand his answer must be *non possumus*, and

Grantham expressed himself forcibly in accordance with this declaration.

On the claims of the United States being considered, de Rayneval expressed himself against their participation in the Newfoundland fisheries, and against the claim they had preferred to extend their territory to the Mississippi and to the north of the Ohio. He left England impressed with the sincerity of Great Britain in her effort to obtain peace, and was particularly struck with Shelburne. On his return to Paris he bore testimony to Shelburne's ability, and his pleasing manners. Both, indeed, have always been admitted, but Shelburne's laboured and somewhat stilted courtesies have no little aided the historical charge of insincerity attached to his memory. It is one of the best remembered facts concerning him, that George III., in a fit of displeasure, called him the "Jesuit of Berkeley Square."

Oswald's commission, changed as Jay had desired, was taken back to Paris by Vaughan. The consequence was that shortly after the defeat of the French and Spanish fleets before Gibraltar on the 5th of October, Jay placed in Oswald's hands the draft of a treaty. It included the recognition of independence, the determination of the boundaries as they had been discussed by Franklin, and the concession of drying fish on the shores of Newfoundland. Recognition of the duty of those dwelling in the United States, to pay their debts contracted in England prior to 1775, was refused. The claim of indemnification of the loyalists was alike rejected.

The question of boundaries between New York and Canada had been much simplified by the map of Sauthier, published in 1779. It had been prepared by order of governor Tryon, and shewed the 49th parallel as the northern boundary, extending from Saint Regis on the Saint Lawrence to the sources of the Connecticut. The determination of the 45th parallel as the boundary to the Saint Lawrence, the division line afterwards to follow the river and lakes, abandoned the whole territory of the Ohio south of lake Erie, and the peninsula of Michigan, to the United States.

By the proclamation of 1763, the boundary of New York had been recognised, and it was further described as passing along "the high lands which divide the rivers that empty themselves into the said river Saint Lawrence from those which fall into the sea." As it was set forth in the commissions of the governors of Nova Scotia that the western boundary of that state was the river Saint Croix to its source, that river was so specified by the United States commissioners as the eastern boundary, and thence by the line drawn north to the declared southern boundary of Canada, thus leaving to Massachusetts the territory now forming the state of Maine.

Jay also urged that West Florida should be ceded to Spain, and that the navigation of the Mississippi from its source to the ocean should remain free and open.

On the 6th of October, the following day, de Vergennes gave to Fitzherbert the draft of his treaty. The general conditions need not be entered into in this history; an exception must be made to the demand for the exclusive right of fishing off Newfoundland from cape Saint John to Point à la Lune (cape May) with the right of fortifying one or more islands to be held in full sovereignty. The Spanish terms, including the cession of Gibraltar, were so extravagant, that Fitzherbert at once declared there was no possibility of their acceptance.

At this stage of the proceeding, Strachey, then under secretary of the treasury, was deputed to proceed to Paris to aid Oswald in his negotiations. He was instructed to claim the territory to the west, extending from the boundaries of Pennsylvania and Virginia to the Mississippi, described by the Quebec act of 1774 as within the boundaries of Canada. To the east, he was to enforce the recognition of the Penobscot and its tributaries as the boundary, in accordance with the jurisdiction formerly claimed by French Canada, as dividing northern Massachusetts from Nova Scotia. The pretension to the country north of the Ohio must have been advanced on the theory of presenting a counterbalancing

claim against some exacting demand which might be made by the United States. It was known, that it was not possible to hold this western territory except at immense cost, for the expense of the few western posts had been the ceaseless theme of correspondence between the home authorities and Haldimand. There was more ground for the determination of the Penobscot and its tributaries as the boundary, for that river would really have established a natural division between Nova Scotia and the state of Maine, and the river had likewise borne the name of the Saint Croix. I have already in a previous volume* entered into the question of the wisdom of abandoning the western territory; for by the expedition of Hamilton the fact had been established, that it could only have been held by large garrisons, an expense the country would never have tolerated, and its possession would have proved the ground of another war. Indeed, it is scarcely possible to believe that the claim was made in any expectation of its being allowed, for Oswald was told in his instructions, that if the concession could not be obtained, the decision regarding this frontier could be left with the commissioners.

Strachey was earnestly directed to enforce the payment of moneys due by parties in America to their creditors in Great Britain; to require that honest debts should be paid in honest money, not congress money; further, that the demand for the restitution of their property to the loyalists, or compensation be made, was to be enforced.

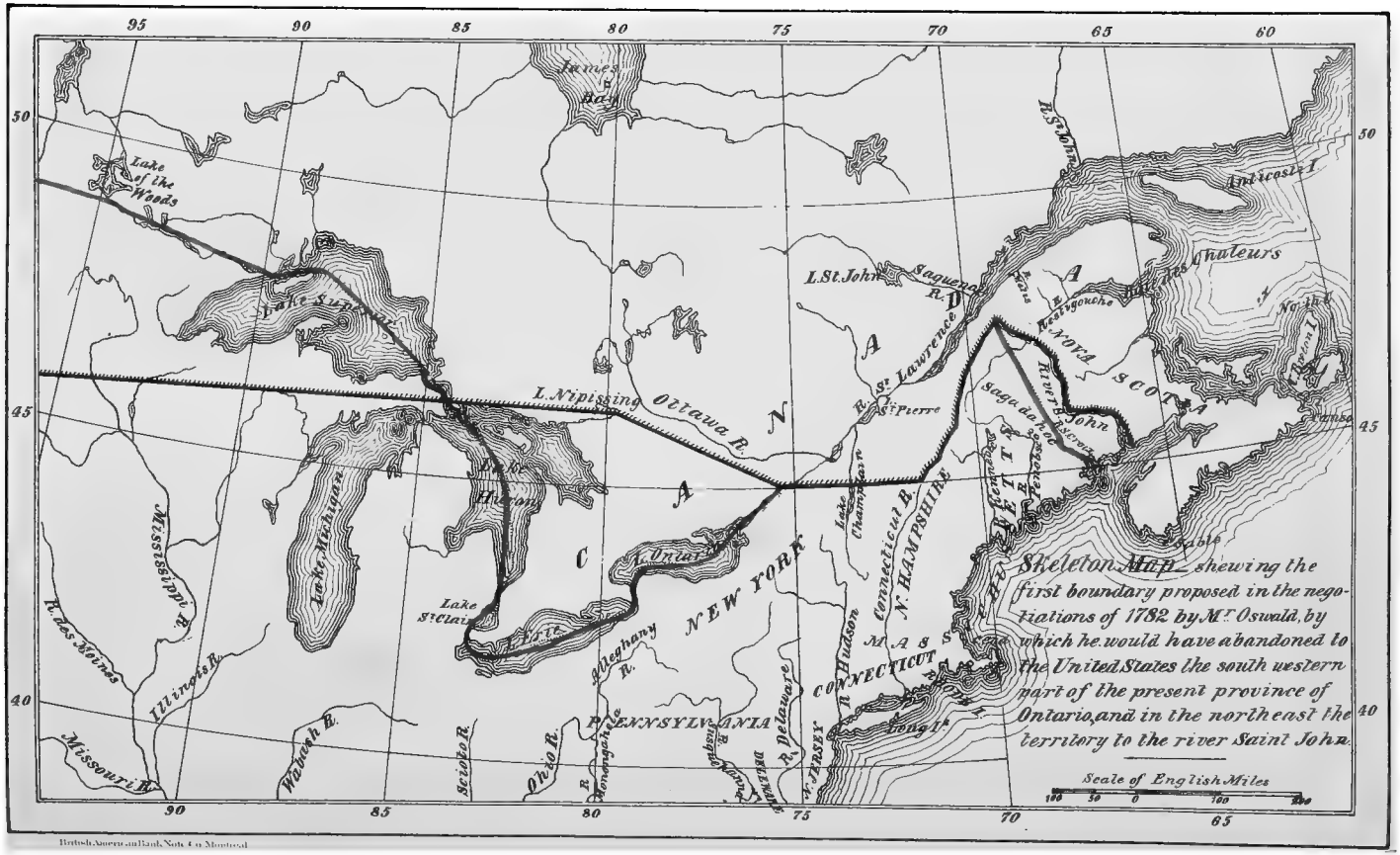
The main point in the negotiation with France which threatened complication was the question of the fisheries. France was, however, promised the continuance of the rights she had hitherto possessed in Newfoundland. Consequently, the views of the British cabinet met more ready acceptance, and de Vergennes withdrew his demand for the exclusive right of fishery, on condition that Great Britain should enter into an engagement *ministériellement*, to secure an uninterrupted enjoyment by the French fishermen of their

* [Vol. VI., p. 517.]

occupation, through instructions on the subject given to the colonial governors. I will further allude to this point when I describe the fishery negotiations. The success of the British at Gibraltar in September, with the total defeat of the French and Spanish fleets, had, by the middle of October, been perfectly understood in its magnitude, and had worked the consequence which is generally the attendant of a triumph in war; and it was of the more effect, that it had followed the victory of Rodney in the brief space of a few months. At this time de Vergennes evinced no desire to support the claims of Gibraltar. The right of conquest was entirely out of the question; but Spain still hoped, that, by the sacrifice of some equivalent, possession of the fortress could be obtained. De Vergennes did not, however, continue in this view, for, urged by Spain, he assumed a different tone, and declared that peace could not be made without accession of the fortress.

The negotiation with France and Spain was being continued without progress being made, when Adams joined his brother negotiators. Adams had at no time any particular affection for the French alliance. His opinion had always been that the United States had been constantly too effusive in the expression of what was owing to France. Moreover, he had a personal grievance; in 1780 at the Hague he had been discountenanced by the French minister, and, owing to French influence, had been refused an official reception. On his arrival he took Jay's view, that the negotiations carried on with France were not in the view of assisting the United States, and he gave his vote for entering into a separate negotiation with Great Britain, communicating as little as possible with de Vergennes.

On the question of the payment of debts, Adams admitted the justice of the British demand, that the treaty should give the right of collecting all debts due in England previous to 1776. He declared that he had no notion of cheating anybody. Paying debts and compensating Tories were different questions. Franklin had opposed the demand. Those who


Skeleton Map shewing the first boundary proposed in the negotiations of 1782 by Mr Oswald, by which he would have abandoned to the United States the south western part of the present province of Ontario, and in the north east the territory to the river Saint John.
Scale of English Miles
Lake of the Woods
Lake Superior
L. Nipissing
Ottawa R.
James Bay
L. St. John
Saguenay R.
R. St. Lawrence
R. St. Pierre
Anticosti I.
Chaleurs
Nouveau Brunswick
Nova Scotia
Saint John
Sable
Lake Michigan
Lake Huron
Lake St. Clair
L. Erie
L. Ontario
Lake Champlain
Hudson
Connecticut R.
N. Hampshire
Massachusetts
Connecticut
New York
Pennsylvania
New Jersey
Delaware
Allegheny R.
Monongahela R.
Ohio R.
Scioto R.
Wabash R.
Illinois R.
Mississippi R.
R. des Moines
Missouri R.
Canada
British American Bank Note Co. Montreal

are acquainted with Franklin's career must be impressed with the fact, that when he was engaged in any reprehensible transaction, he had always a reason to offer in explanation of his conduct. He argued that much of the merchandise, by the sale of which money would have been obtained to pay the debts, had been destroyed during the war. He did not speak of his own presence in Canada in 1776 as a commissioner, with the design of possessing the province by conquest and living by forced contributions: a project only abandoned when the chance of success was desperate. *

The first boundary accepted by Oswald was in accordance with the imbecility of his character, which cast a blight on all that was left to his judgment. To the east he consented that the river Saint John should be the boundary. In those days lake Temiscouata was called by the name of the river into which it discharged, the Madawaska, and it was wrongly claimed that the so-called lake Madawaska, with the river of that name, formed the main branch of the Saint John. The sources of the Temiscouata are in the height of land whence the waters likewise descend northerly into the Saint Lawrence, and are within twenty-five miles of the Great River. Taking the northerly point as the beginning of the boundary, Oswald proposed the line should follow the river Madawaska to the Saint John, of which it is a tributary, and thence along the high lands to the head waters of the Connecticut, until it gained the parallel of 45°. This latitude to be followed to Saint Regis on the Saint Lawrence. The supposition seems hardly possible that Oswald should have made the proposition, or that his consent was given to it, that the line from this point should have directly run to the south of lake Nipissing and thence to the north of Saint Joseph's island, thus abandoning to congress the most important part of the present province of Ontario. From Saint Joseph's, the theory was that the line should continue in the same direction to the Mississippi. It appears strange that this line once proposed by Oswald was not insisted upon by the United States

* [Ante., Vol. VI., p. 65.]

negotiators. The probability is, that their objection to it lay in the fact that it excluded them from lake Superior, for with this boundary that lake would have been a *mare clausum* within British territory. Had, however, this boundary been established, Western Canada, reduced to the narrow limits it enforced, would have become of little importance. The whole of the upper river Saint Lawrence would have passed through United States territory, and access to lake Superior by water would not have been possible. For the cession of the territory included the navigation of the river; consequently the country must have continued a wilderness, and in the course of no long time must have fallen into the power of the United States. But the prevailing view of the United States commissioners was to obtain possession of the country to lake Erie and to the Mississippi, with the peninsula of Michigan; and to make the Saint Lawrence the common boundary, following the centre of the stream and of the lakes to lake Superior. Such was the western boundary subsequently assented to. Île Royale was, however, included within the United States. The line is described as proceeding to Long lake through the lake of the Woods, on a due east course to the Mississippi. As is now well known, this line would have gone far to the north of the sources of the Mississippi, and there is no such geographical limit as Long lake; on the contrary, the route described consists of several small lakes with no less than forty-six *portages*.

There was no object at this date in advancing undue pretensions in the establishment of a north-eastern boundary: the main condition desirable was, that the frontier should be clearly defined, and no immediate advantage was then sought in its determination. In after years the pretensions of the United States took the form of claiming a frontier which would have virtually divided Canada in half, and have cut off the interior from the sea board; an accession of territory from which they gained no national strength. However dispassionately the claim may be considered, it can only be regarded as an act of aggressiveness. In 1782 the real

question exacting attention was the western boundary, by which the territory, including the possession of the Ohio, should extend northerly to the shore of lake Erie, and be prolonged to the eastern bank of the Mississippi. The United States commissioners knew that France was opposed to this demand, and its acceptance by British commissioners of ability could have been made contingent on reasonable conditions in the establishment of the eastern frontier. The country was unsurveyed, and no definite information was obtainable regarding it, as has been said. In the first instance, the United States commissioners contended that the river Saint John was the natural boundary, to be followed to lake Temiscouata, and thence traced to its source in the northern high lands.

Whether Oswald's fatuity led him to accept this view in accordance with his secret instructions to make peace at any price, or from an obtuseness as to the interests of the one American province which had remained British, must remain a matter of speculation. This view was, however, set aside, Strachey claimed by his exertions, and the boundary was transferred to the river known as the Saint Croix.

There had been previous attempts to establish the boundary between Nova Scotia and the French Acadia. They were matters of Massachusetts history, and were well known to Franklin; it may be assumed that lord Shelburne's negotiator was ignorant of, or indifferent to them. In 1749 after the treaty of Aix-la-Chapelle, a commission had been named to settle this question, and it met at Paris. Shirley and Mildmay represented the interests of Great Britain and the provinces, de la Galissonière and de Silhouette those of France. The conflicting character of the claims made any arrangement impossible. Nothing was effected, although the conferences were continued until 1753; a consequence easily understood, when it is known that de la Galissonière advocated the retention of a strip of territory along the eastern coast of Nova Scotia, to obtain

access by land to Cape Breton, which had been restored to France.

In May, 1762, after the conquest of Canada, Belcher, then lieutenant governor of Nova Scotia, submitted to the house of assembly a communication from the governor of Massachusetts. It enclosed a resolution of the house of assembly of that province, recommending that proceedings should be taken in connection with the government of Nova Scotia, to establish a settlement of the boundary between the provinces. The house of assembly of Nova Scotia, however, voted, that it was a matter proper for the consideration of his majesty only; "for the lands now claimed by the government of Massachusetts are within the boundaries of Nova Scotia, or Acadia, and the property of the crown." In the same year Bernard, then governor of Massachusetts, wrote to Belcher that he accepted the assurance, that no grants should be made west of the Saint Croix, and that he would not consent to grants being made from his province, until the question had been determined.

One of the most important considerations in the determination of the boundary was the identification of the natural landmark chosen to constitute it. Franklin had designated the Saint Croix, but the river was not definitely known, for the name had been only kept in remembrance as a tradition of the days of Champlain, in the settlement attempted by him in 1603. In modern times, it is generally supposed that the island on which he established himself was at the mouth of the river now known as the Shoodic, but in those days there was much uncertainty as to the locality, and the designation had been given at random to other rivers. The Penobscot had even been called the Saint Croix, and had been held to be the boundary of Nova Scotia. I have related that in 1779* Sir Francis Maclean, in command at Nova Scotia, founded a settlement at Penobscot bay, with the view of obtaining ship-timber for the navy yard at Halifax. An attempt was made by Massachusetts to prevent the

* [Ante., Vol. VI., p. 353.]

undertaking being carried out, when the Massachusetts fleet was destroyed. It was, indeed, annihilated. The fact is important, as showing the claim which had been advanced for the Penobscot as the Nova Scotia boundary.

In 1764 a royal proclamation had been issued, typical of the ignorance which then, and for many years subsequently prevailed with public men in London, with regard to the affairs of the American provinces. In describing the limits of Nova Scotia, it was set forth that although Nova Scotia had extended to the Penobscot, and by right did so extend, the province should be bound by a line drawn from cape Sable to cross the entrance of the bay of Fundy to the mouth of the river Saint Croix, the boundary to follow that river to its source, and thence by a line north to the southern boundary of Quebec, as established by the proclamation of 1763; the high lands which divide the rivers that empty themselves into the Saint Lawrence and the sea. Anyone who places the map before him can perceive, that the modern Schoodic could not have been meant; for the mouth of that stream makes the line described impracticable. I do not desire to complicate the question by any idle theories, but it may be said, that the description points to one of the streams between the river Machias and the Penobscot. The question, indeed, at that date was, what modern river could be identified as the river Saint Croix.

Franklin, on assigning this river by name as the boundary, during the negotiations, proposed that commissioners should subsequently determine the line. He knew, however, that before the revolution the Penobscot had been held to be the boundary of Massachusetts, and it would have been just and fair on the part of the United States commissioner to have named as the dividing line the river and its main tributary to the height of land which separated its waters from the tributary streams of the Saint John.

In 1784 the province of New Brunswick was established within its present limits distinct from Nova Scotia, Thomas Carleton having been named lieutenant governor. British

settlement followed at Saint Andrew's, and even reached the Penobscot on the theory that the territory was a part of the province. Shortly afterwards, however, a claim had been advanced by the United States that the Magaquadivic east of the 67° of longitude was the true Saint Croix of the treaty. Accordingly, in Jay's treaty of 1794, the fifth article set forth that the settlement of this dispute should be left to commissioners, with the provision that if they could not agree, they should each propose one person as arbitrator, and the one drawn by lot should be selected. They first met in 1796 at Saint Andrew's, and afterwards adjourned to Boston. The commissioners were Thomas Barclay, for Great Britain; David Howell, for the United States. By common consent they chose for a third arbitrator judge Benson, of New York. The decision arrived at was that the Schoodic was identified as the Saint Croix.

The main stream, the Schoodic, is fed by two branches, the northern, the Chiputneticook. The south-western, which had always been known by name as the Schoodic, was recognized by the commissioners as the main stream.

The instructions of the commissioners were simply to determine the position of the river Saint Croix; and in ascertaining this geographical fact they had performed the duty assigned them. But they went beyond their instructions, and selected the northern branch, the Chiputneticook, as the boundary. It is difficult to penetrate the cause of this proceeding, unless secret instructions had been given by the duke of Portland, the colonial secretary of Pitt's administration, to the British commissioner, to terminate the dispute in some form. Such view appears to have some ground of belief, for in 1798 an article was added to the treaty of 1794, discharging the commissioners from office, and declaring that the decision of the boundary should be binding on both countries. The commissioners, likewise, had taken upon themselves to place a boundary monument at the source of the river, as the starting point of any future proceeding.

The distance between the source of the main stream

and that of its northern branch is seventy miles. The meridians of these sources are about twenty miles apart, that of the main stream lying to the west. Thus the cession of this strip of land, extending over some two degrees of latitude, embraced the sacrifice of 3,000 square miles of British territory gained wrongfully by the United States. But the establishment of the north-eastern branch had no influence upon the adjustment of the northern boundary, so unworthily, and so at variance with justice and physical fact, subsequently accepted by lord Ashburton. When I have to record the treaty of Ghent, I will relate this painful passage in our history.

In the text of the treaty the words "the north-west angle of Nova Scotia" are introduced. It was the first occasion of their use. This description was in subsequent years repeatedly quoted as if it set forth some known, defined, recognized locality. Whereas it is a mere phrase applied to the angle "formed by a line drawn due north from the source of the Saint Croix to the highlands, which divided the rivers that empty themselves into the river Saint Lawrence from those which fall into the Atlantic ocean." In after years the vagueness of this description became the warrant of the pretentions of the United States, to carry their frontier to within a few miles of the Saint Lawrence.

This view was aided by the first map furnished by Oswald, which, as has been said, laid down the river Saint John as a boundary to the sources of lake Temiscouata; but any importance claimed from this astounding proposition had been immediately set aside. The only evidence furnished by Oswald's map is the proof of his immeasurable folly, for the frontier traced upon it is so at variance with that described in the treaty as to be valueless.

There is one fact in connection with the events of this date which calls for mention.

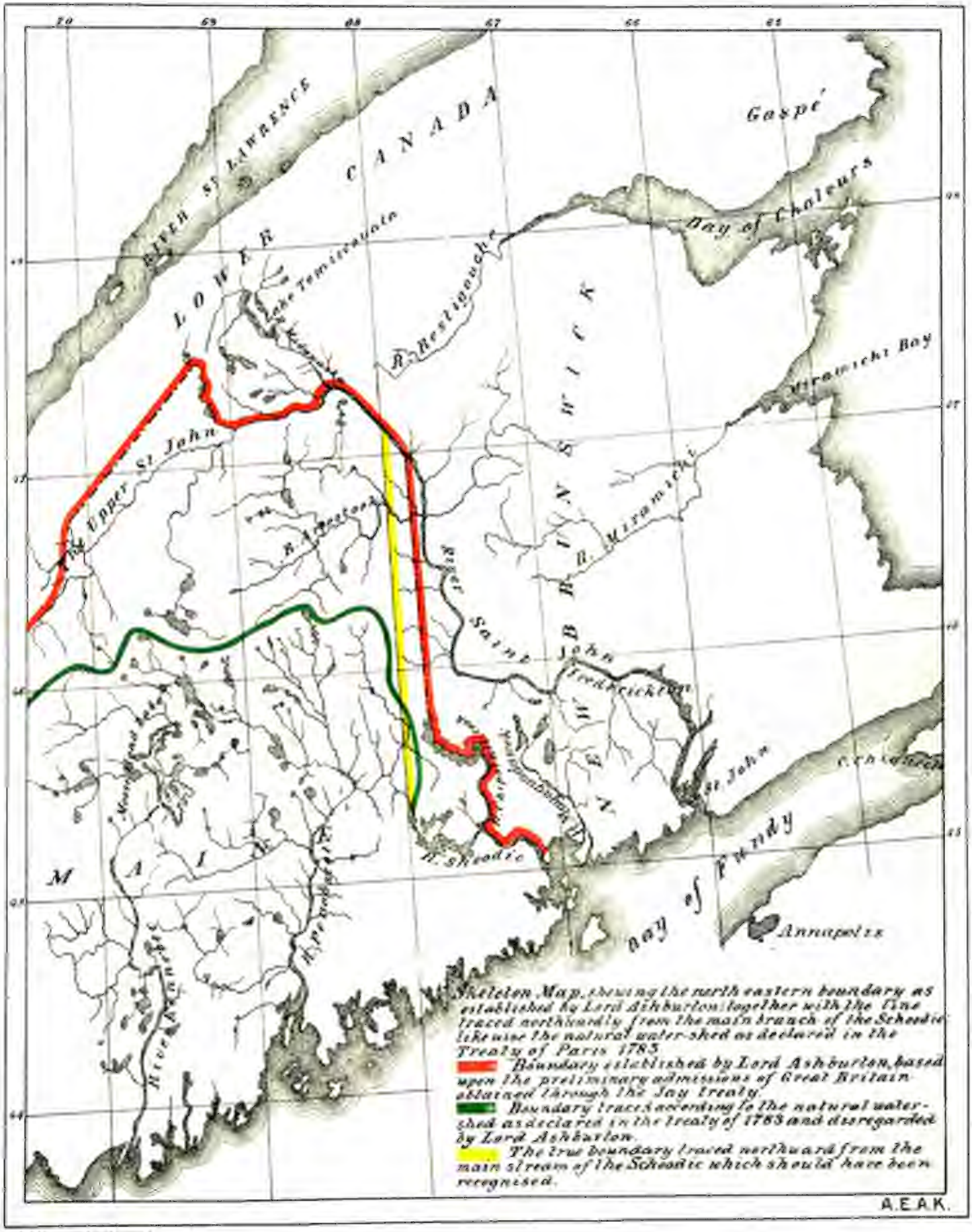
After the terms of the separate treaty with the United States had been communicated to de Vergennes, he sent a map to Franklin with the request that the boundary

determined should be marked upon it. There is more significance in the information furnished by Franklin than is usually conceived, for at that date France had not abandoned the idea of regaining Canada, and was opposed to any extreme northern boundary being obtained by the United States. The letter of Franklin, dated Passy, 6th of December, 1782, returned the map marked with a strong red line showing the limit of the United States as it had been established. This map was discovered in Paris by Jared Sparks, the United States historian. In enclosing it to his government, he pointed out that it was the line contended for by Great Britain, and, even conceded more than she asked, for, adds Sparks, "the line from the Saint Croix to the Canadian highlands is intended to exclude (from United States territory) all the waters running into the Saint John."

Had the boundary line so traced by Franklin been unacceptable to France, the fact would have been immediately dwelt upon by de Vergennes; that it was admitted, is a proof that it followed the natural direction of the highlands named, leaving the tributaries of the Saint John in the territory of Canada.

Franklin and Jay were desirous of leaving the matter to the decision of commissioners hereafter to be appointed. Adams, however, himself from Massachusetts, who knew the facts of the case, over-ruled their views, and the boundary was established as it stands.

What a monument of folly on the part of Great Britain this boundary, as it is now determined, must ever remain. This gigantic wedge running up into the eastern territory of the Dominion to cut the country, as it were, asunder. A boundary established in defiance of the very language of the treaty, which traced as a dividing line the height of land separating the waters running north and south, and at variance with the evidence in the possession of the United States, at the very time they were urging the claim which they knew to be untenable. Every principle of physical geography was distorted, while the good faith and honour which should



LOWER CANADA
RIVER ST LAWRENCE
Gaspé
Bay of Chaleurs
Lake Temiscouata
R. Restigouche
NEW BRUNSWICK
Miramichi Bay
The Upper St. John
R. Aroostook
R. Miramichi
River Saint John
Fredericton
St. John
C. Chignecto
R. Sheodic
Bay of Fundy
Annapolis
MAINE
Skeleton Map, shewing the north eastern boundary as established by Lord Ashburton; together with the line traced northwardly from the main branch of the Scheodic likewise the natural water-shed as declared in the Treaty of Paris 1783.
Boundary established by Lord Ashburton, based upon the preliminary admissions of Great Britain obtained through the Jay treaty.
Boundary traced according to the natural water-shed as declared in the treaty of 1783 and disregarded by Lord Ashburton.
The true boundary traced northward from the main stream of the Scheodic which should have been recognised.
A.E.A.K.

preside at the negotiations between great nations, were entirely set aside and ignored. It is certain that the Aroostook and the other tributaries of the Saint John can by no chicanery be forced into the classification of running into the Atlantic; nevertheless they to-day form a part of United States territory.

While in Canada we must ever feel that our interests in this dispute were sacrificed by the failure of the representative of Great Britain to understand what was good and honest, at least we have the satisfaction of knowing that our own case was presented in accordance with the treaty on which our rights were claimed. There was no suppression of evidence on our side; no proceedings in accordance with the theory that in order to gain an advantageous decision on a disputed point anything is fair in diplomacy. We came out of the negotiations serious losers; but no national reproach of meanness and wrong rises unbidden to wring our consciences. It is a question, if a high-minded citizen of the United States can with complacency contemplate the proceedings of his government on this occasion. The wonder is how such a boundary could have been established, except on the supposition of a commissioner having been appointed ignorant of the facts which furnished the basis of his duty, with secret instructions to obtain a settlement at every sacrifice and at every cost. At that time the value of Canada to the empire was imperfectly appreciated, so the province was not permitted to intervene in complications troublesome to the political party in power. No such event could happen to-day in any British province, or it would bring its Nemesis.

It might have been foreseen that the settlement of the question of the fisheries, equally with France as with the United States, would not be attained without some antagonism between the concessions claimed and those offered. It must remain a matter of wonder that the determination of a matter so important to Great Britain, in the view of the commercial interests involved, and the influence that it directly exercised on the maritime strength

of the empire, should have been left in the hands of two persons so entirely unimpressed with its importance as Oswald and Fitzpatrick.* They were unacquainted with the previous history of the French rights acquired by treaty, and insensible to the necessity of clearly limiting them. Thus, the acceptance by them of the conditions asked by the French has entailed a century of trouble, which remains to this day, unceasingly threatening the most serious complications.

Until the treaty of Utrecht, Newfoundland had been debatable ground. To the last, the French had attempted to gain possession of the island. Even in 1762 a fleet was despatched, and succeeded in taking Saint John's, but the approach of lord Colville with a large fleet led to the abandonment of the enterprise.

By the treaty of Utrecht, France abandoned the sovereignty of Newfoundland and Nova Scotia, but retained cape Breton. She also retained the islands at the mouth of the gulf and river Saint Lawrence, with the right to fortify them. She was allowed the privilege of fishing on the coast of Nova Scotia, and at Newfoundland ; she was accorded the right of making stages of wood, and of erecting the huts for drying fish, within the limit from cape Bonavista to point Riche, with powers to resort to this northern part of the island, at the season favourable for fishing and for drying fish ; but not longer. Neither could France construct fortifications on the small islands also abandoned by her. This condition remained in force until the peace of Paris, 1763, when France, by the fifth article, abandoned the islands in the river and gulf of Saint Lawrence, with the more important cession to Great Britain of the island of cape Breton. The liberty of fishing and drying fish, as granted by the treaty of Utrecht, was confirmed, with the addition of taking fish in the gulf of Saint Lawrence within "Three miles of the Islands or Coasts of the Continent." The right of fishing within fifteen leagues from the coast of cape Breton was granted. The islands of Saint

* [Ante., Vol. VI., p. 493.]

Pierre and Miquelon were ceded to France, the French king engaging "on his royal word," not to erect any buildings but for the convenience of the fisheries.

We have only to consider the rights then possessed by France in the matter of the fisheries, to understand the concessions made by Lord Shelburne's government. It is proper to mention that the situation of point Riche long remained in dispute. The point so named, and evidently designed, is at the 51st parallel of latitude. In 1764 the French government had endeavoured to identify it with cape Ray, the extreme south western cape of the island. The one authority was a geographer, Herman Mull, but the Board of Trade was enabled to disprove the pretended fact, when the claim had been rejected and the true point Riche was established as the boundary of the French fishing.

By the treaty of Versailles France renounced the right of fishing granted from cape Bonavista to cape Saint John, and the limits then assigned were from cape Saint John to cape Ray, concessions granting to the French one third of the eastern side, and the whole of the northern and western sides of the island. The islands of Saint Pierre and Miquelon were ceded in full with the right of settlement and fortification, but what was a more extraordinary proceeding was a declaration of the king, apart from the treaty, that in order to prevent daily quarrels, "his Britannic Majesty will take most positive means for preventing his subjects from interrupting in any manner by their competition, the fishery of the French . . . and he will for the purpose cause the fixed settlements which shall be formed there to be removed." Arrangement was also entered into, that orders would be given that the French fishermen should not be incommoded in cutting the wood necessary for their scaffolds. The one saving clause that remains is, that the method of carrying on the fishery, which has at all times been acknowledged, shall be the plan upon which the fishery shall be carried on. The French, therefore, obtained no more than the equal right of fishing with the British fishermen; an immense concession,

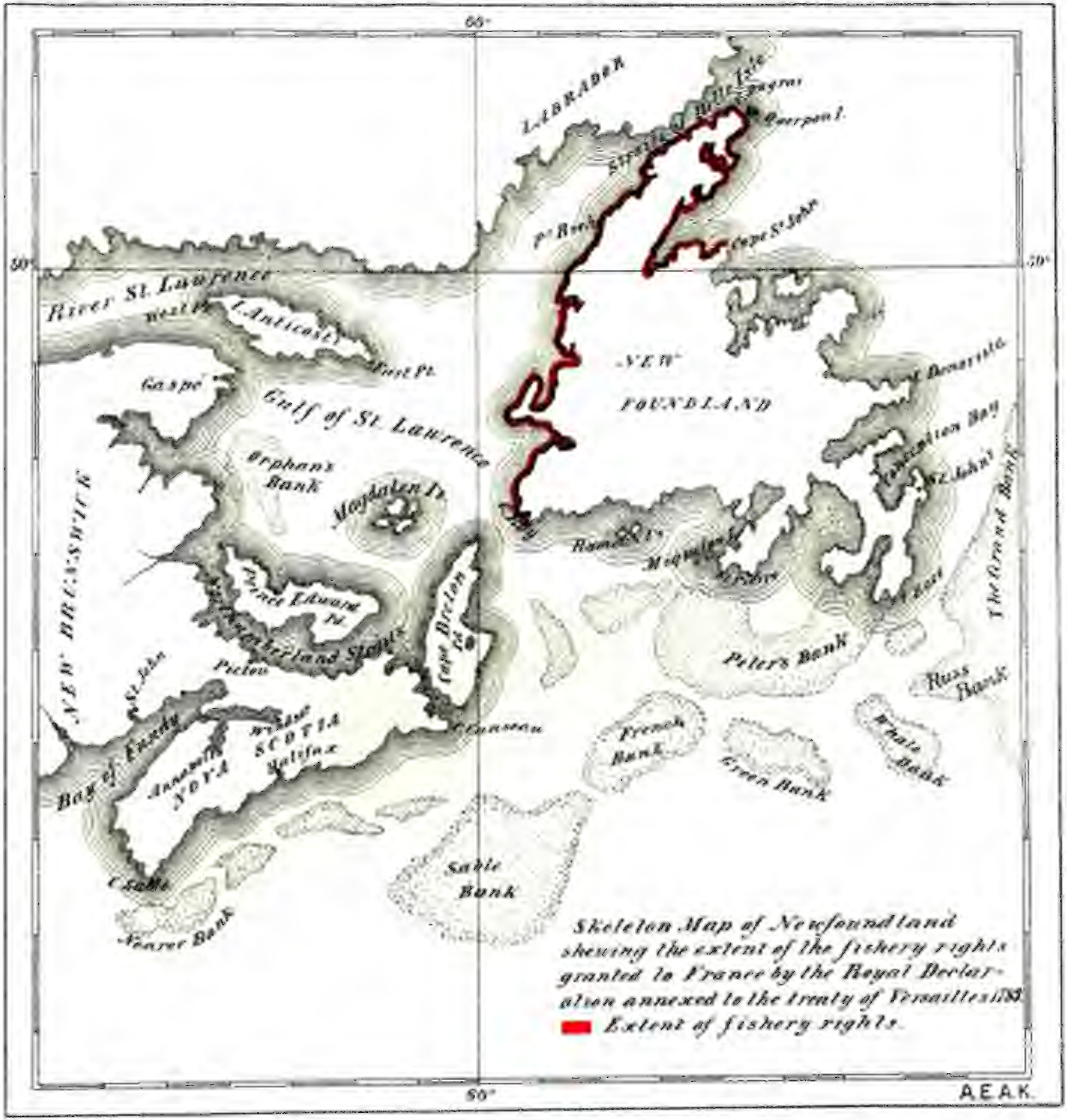
but not the exclusive right since claimed. They could only build their scaffolds and repair them. They were not to winter on the island, but were to be freed from all molestation.

Thus by these conditions the engagement was entered into that the coast of the island of Newfoundland should remain unsettled from cape Saint John at the fiftieth parallel, extending to the straits of Belleisle, and thence continuing down the whole western coast of the island; a grievance, the onerous nature of which year by year is more felt in Newfoundland.

The French minister, correctly judging the ineptitude of the diplomatists who represented Great Britain, in no way set a limit to French pretensions. In this spirit, in the first instance, he had demanded the cession of the entire sovereignty of this part of the island, and the exclusive enjoyment of the fisheries. This demand was refused in London as unreasonable and inadmissible. France, however, still formulated her complaints that the fixed settlements would trench upon her rights, and therefore asked that the encroachments of British subjects on such treaty rights should be restrained. After much discussion, Mr. Fitzherbert, with the affirmation that the proposition came from himself, proposed the *mezzo termine* that no right should be mentioned in the treaty, but that the British government would undertake *ministériellement* to secure it to the French fishermen by "proper instructions being given to the governor of Newfoundland." This proposition was accepted by M. de Vergennes. We have here the history of the fishery rights granted by the treaty of Versailles, so vigorously exercised to the great disadvantage of Newfoundland, which France refuses to reconsider or modify, whatever the indemnification offered. In any other treaty with France the continuance of them will form a matter for serious consideration. *

* The following is the text of the Declaration, which I deem it a duty to give in full, in explanation of the easement possessed by the French:

"The king, having entirely agreed with his Most Christian Majesty upon the articles of the Definitive Treaty, will seek every means which shall not only insure



LABRADOR
Quirpon I.
Cape St John
River St. Lawrence
West Pt.
I. Anticosti
East Pt.
Gaspé
Gulf of St. Lawrence
NEW FOUNDLAND
Orphans Bank
Magdalen Is.
Prince Edward Id.
Cape Breton Id.
Pictou
NEW BRUNSWICK
St. John
Bay of Fundy
Annapolis
NOVA SCOTIA
Halifax
C. Sable
Nearer Bank
Sable Bank
French Bank
Green Bank
Whale Bank
Peter's Bank
Russ Bank
The Grand Bank
St. John's
Skeleton Map of Newfoundland shewing the extent of the fishery rights granted to France by the Royal Declaration annexed to the treaty of Versailles 1783
Extent of fishery rights.
A.E.A.K.

the execution thereof, with his accustomed good faith and punctuality, but will besides give, on his part, all possible efficacy to the principles which shall prevent even the least foundation of dispute for the future.

"To this end, and in order that the fishermen of the two nations may not give cause for daily quarrels, his Britannic Majesty will take the most positive measures for preventing his subjects from interrupting in any manner, by their competition, the fishing of the French, during the temporary exercise of it which is granted to them, upon the coasts of the island of Newfoundland, and he will, for this purpose, cause the fixed settlements which shall be formed there to be removed. His Britannic Majesty will give orders that the French fishermen be not incommoded in cutting the wood necessary for the repair of their scaffolds, huts and fishing vessels.

"The 13th article of the Treaty of Utrecht, and the method of carrying on the fishery, which has at all times been acknowledged, shall be the plan upon which the fishery shall be carried on there, it shall not be deviated from by either party, the French fishermen building only their scaffolds, confining themselves to the repair of their fishing vessels, and not wintering there; the subjects of his Britannic Majesty, on their part, not molesting in any manner the French fishermen during their fishing, nor injuring their scaffolds during their absence."

CHAPTER III.

The demand for the restoration of the confiscated property of the loyalists, or that indemnification should be given if restitution could not be made, led to serious disaccord. It was a point of honour with the British government to persevere in this requirement; on the other hand, the United States commissioners well knew that compliance with the condition would entail great losses in every state upon the numerous purchasers of loyalist property, a class in no way inclined to be silent in any interference with the interests acquired by those means. Accordingly, in the first stages of the negotiation the United States commissioners refused to entertain this proposition in any form. Their personal feelings were also enlisted in the contention. Adams had shewn his sentiments in a letter to Cushing, which had been intercepted, in which he had recommended "to fine, imprison, or hang all inimical to the cause, without favour or affection." Jay had been active in the extreme persecution of the New York loyalists, and, concealed under Franklin's affected philosophic indifference there was to be found a bitterness as intense as that of his brother commissioners. In answer to the formal demand on the subject made by both Oswald and Strachey, the commissioners refused to entertain the proposition, except on the condition that Great Britain would make restitution for the losses suffered by the United States in the war. In spite of this positive answer, Strachey still believed that concessions would be made, and, entertaining this view, he returned to England in November, the date when de Rayneval went back to France.

On the meeting of the cabinet, there was much dissatisfaction on the part of Richmond and Keppel with the

form the negotiations had taken. They described Oswald as an additional United States negotiator. They desired his recall; the proposition was opposed by Shelburne and Townshend. Strachey, however, was instructed to proceed to Paris to continue the negotiation as to the fisheries, and to insist on indemnity to the royalists, especially enforcing the proprietary rights of the Penns and the heirs of lord Baltimore, a point upon which the king shewed much interest. On the arrival of Strachey at Paris, he found that the ill feeling which had arisen between the United States negotiators and the French minister had been in no way lessened. De Vergennes had adhered to the views he had made known as to the boundaries to be granted, and what was a more important matter, he had expressed himself to the effect that some consideration should be shewn to the loyalists. He had moreover declared that France would not continue the war for the attainment of the views of the United States. On their side, the commissioners were equally indisposed to carry on the contest for the aggrandizement of France and Spain; and Adams did not conceal his fears, that there was a tendency on the part of the European powers to use the United States as instruments for their own purposes.

The refusal to entertain the claims of the loyalists, based on Franklin's objection that it was not a subject with which congress could deal, and that it appertained to each particular state to make the restitution asked, suggested to the British negotiators that a clause might be introduced into the treaty by which congress should bind itself to recommend to the several states this principle of restitution, or indemnification, as an accepted condition of the peace. The proposition was refused. The rejection in the first instance by the commissioner is of importance, for it shews the insertion of the clause was not the mere matter of form which several of the United States politicians at the time declared it to be, and which many modern writers still strive to establish. On Strachey's return to Paris at the end of November, he found that Laurens, who had been exchanged for lord Cornwallis,

had joined his colleagues.* At the first meeting held by the negotiators, Strachey stated in plain words that the question of restitution of the confiscated property of the loyalists was the point on which the final settlement depended, that if no settlement was possible the negotiations must cease and be submitted to parliament in the stage they had reached.

The United States commissioners were placed in a dangerous dilemma. The point in dispute was not one in which they could count upon the support of France. They knew the desperate condition of affairs in their own country. Their credit was exhausted, there was dissatisfaction in the army, enlistments could not be made, and the separate states would not pay the contributions to sustain the war as they had been assessed. In England, Cornwallis's surrender had been so unlooked for that its effect was to give rise to the belief that there could be no fortunate termination to the war: a view which Burgoyne had encouraged as an apology for his own bad generalship. In all directions this opinion became prevalent, and it was a general belief that the time for peace had arrived. There was no such sentiment in the United States. Had an able and experienced diplomatist then represented Great Britain, he would have discovered the true character of the negotiations, and would have penetrated beneath the insincerity of the extreme pretensions which we still read in Franklin's letters. As we failed in the field through the incompetence of our generals and the mischievous interference of Germain, so it was the fate of Great Britain at the peace of Versailles, to be sacrificed by the incapacity of those to whom the negotiations were entrusted. Even after the success at Yorktown the army of congress became weaker, so that Washington recommended compulsory enrolment, and that the prisoners should be forced to serve. It was held

* Laurens had been unconditionally released from his *parole* by lord Shelburne. Feeling delicacy in accepting this act of consideration, especially as he was a commissioner to determine the terms of peace, likewise being desirous of obliging lord Cornwallis, he caused the exchange to be effected. [Franklin, IX., pp. 289–292.]

impossible to keep up the army for another year. The finances of congress were completely embarrassed, the states would give nothing, and the common dependence was upon the aid to be supplied by France, so that the war could be continued. *

The point in dispute was one which particularly appealed to the honour and dignity of Great Britain, and, if brought before the country, would have awakened the most powerful feeling of a sense of duty, and the non-abandonment of the demand. The United States commissioners accordingly felt that they could not maintain their ground. The concession was made only after several discussions. It was finally agreed that all pending persecutions should be discontinued, that there should be no further prosecution of the loyalists, that confiscation of property should cease, and that congress should recommend to the legislatures of the states the restitution of the property already confiscated. The claim preferred by Great Britain for the payment of debts due previous to the commencement of the revolution took the form that creditors on either side should meet with no lawful impediment to the recovery of the full value in sterling money of all *bonâ fide* debts heretofore contracted.

The United States commissioners having agreed to these preliminaries desired that the articles should be signed without reference to those of France. The British commissioners were desirous of referring the matter to London. Franklin declared that if the articles were not immediately completed, the question of the royalists must be re-opened. The treaty was accordingly signed on the 30th of November, 1782, without reference to the French minister.

To meet the dissatisfaction which it was certain would be

* The British government, however, had been informed of the true condition of the United States, according to the last edition of Adolphus III., p. 194. He states on the authority of "private information": "After the surrender of lord Cornwallis, Sir Henry Clinton forwarded an assurance to the administration, that with a reinforcement of ten thousand only, he would be responsible for the conquest of America. Other officers were no less sanguine."

One additional requirement was indispensable, the removal of Germain from the position in which he had proved so mischievous.

felt in Paris, it was set forth in the preamble that the articles were those which were "to be inserted in and to constitute the Treaty of Peace" with the United States, but that the treaty was "not to be concluded until the terms of a peace shall be agreed to between Great Britain and France."

It is a point ever to remain in dispute, whether, in the record of history, the United States commissioners can be justified in having signed the treaty without the concurrence or knowledge of France. Franklin's trumpery explanation that it was, as he put it, a mere want of "*bienséance*," may be dismissed with contempt. If the proceeding has to be justified, it has to be met squarely in the face on broad grounds. The United States commissioners were instructed "to undertake nothing in the negotiations for peace or truce without their (the French ministers') knowledge and concurrence, and ultimately to govern themselves by their advice and opinion." These instructions, communicated to the French court, were a warrant for the fullest loyalty of conduct on their part. In a communication to their government, the commissioners stated clearly the fact that they had signed the preliminaries without communicating with the French minister, from the conviction that the conditions agreed to regarding the boundaries and the fisheries with those affecting the loyalists did not correspond with the views of France. The articles were made known to the French government immediately after the signature of them; but the determination of the northern boundary of west Florida, should that province be ceded to Spain, was withheld.

The fact cannot be denied that the act was one of bad faith. As de Vergennes pointed out, the conclusions of the separate treaty threw increased difficulties in the way of France, for in addition to her own interests she had to regard those of Spain, and it had been in the power of the French minister to have signed independent articles with Great Britain, and abandoned the cause of the United States. The justification for the proceeding, if it can in any way be given, is that the United States commissioners felt that they would

obtain no support from France in the fundamental points in which the interests they represented were chiefly involved. In the concessions of the right of fisheries, concerning which New England was so urgent, France was in opposition to them, being desirous of obtaining privileges limited to her own fishermen. France was likewise desirous of sustaining the views of Spain, which looked forward to possess the territory on the east of the Mississippi, as that power held the western bank of the river. The country north of the Ohio, France would have ceded to Canada, as the desire to re-possess that province had not entirely passed away; so that if ever she regained possession of it, it should be to its ancient extent. The commissioners, moreover, strongly entertained the view that there was the desire on the part of de Vergennes to limit the territorial strength of the United States, so that the influence of France could still prevail, and the memory of her aid in the revolutionary war would act as a powerful influence in the diplomacy of the new nationality.

If these considerations be admitted in explanation of the course followed by the United States commissioners, arguments are not wanting for the justification of their conduct. It cannot be forgotten that the signature of the treaty was an abandonment of the engagement entered into with France. The condition of the United States, however, was most critical. The commissioners themselves were placed in the trying situation, that in their view compliance with ordinary diplomatic forms would lead to the sacrifice of great national advantages, which were attainable by the independent exercise of the power they held. They adopted the alternative of securing this result without the knowledge of the French minister, although bound by the most formal declaration to carry on the negotiation conjointly with him.

Whether the United States commissioners were justified or not in so acting must ever remain one of the unsolved problems of history.

I am impelled to allude to an event which took place

in America, while these negotiations were pending, that for a time threatened to destroy all hopes of peace. During the war the treatment suffered by the loyalists from the adherents of congress was that of merciless cruelty. In many instances it was a matter of course to hang them when taken prisoners. The feeling entertained toward them was one of relentless hatred, which dictated unceasing persecution. I have related that at the skirmish at King's mountain, in North Carolina, after the defeat of Ferguson, the congress troops acted with extreme ferocity. Ten of the prisoners, men of character and influence, were hanged in cold blood.* They had lately taken prisoner one Philip White, and they had hanged him because he was a loyalist.

There was sitting at this date at New York the "Board of associated loyalists," the president of which was William, the son of Benjamin Franklin, who had been governor of New Jersey. Those composing the Board felt that their only chance of stopping this brutal behaviour was to retaliate, and they resolved that they would act on the same principle; that on every loyalist being so hanged by congress officers, they would hang a congress officer falling into their hands. The unhappy man who was to be the victim of this *lex talionis* was one Joshua Huddy, who had been taken prisoner by a party under the command of a captain Lippencot. He was hanged on the heights of Middletown, and left suspended, with the notice appended to his corpse, "We determine to hang man for man while there is a refugee living; up goes Huddy for Philip White."

To the trained soldier who is prepared to carry on war with as much forbearance as possible, and who regards any slaughter in cold blood as an infamy, for even the deserter caught in arms is tried by a court-martial, and the spy must be proved to be a spy before he pays the penalty of his crime; such a proceeding was in every way repellent. Whatever the provocation, every commanding officer would shrink from this indiscriminate retaliation. Clinton was in New

* [Ante., Vol. VI., p. 364.]

York when this event took place; he was greatly incensed by it. He ordered the arrest of Lippencot, with instructions he should be tried for murder. There was, as might have been looked for, an outcry of passionate rage on the part of congress, although such outrages had repeatedly been committed by its officers. Washington demanded that Lippencot should be surrendered. He could hardly have been sincere in what he asked, as he must have known that compliance with the request was not possible on the part of any English general.

By this date Sir Guy Carleton had arrived to take command, and he had been instructed to adopt a conciliatory policy towards congress. While refusing to hand over Lippencot to Washington, he expressed his abhorrence of the act, with the explanation that he would bring that officer to trial. Lippencot pleaded before the court that he had acted in accordance with his orders from the board of loyalists, and the plea was admitted, that it was not possible to hold him personally responsible for his conduct.

Washington, when he found that his request for the extradition of Lippencot was refused, declared that he would select one of the British prisoners in the possession of congress and would execute him in retaliation. Would Washington really have carried out his threat? I cannot think it, although there was a loud outcry from congress for blood. There were never wanting men in congress of this violent nature in their number, and had this policy been followed, we may, even at this date, shudder to think what would have been the consequence. It certainly would have led to reprisals. The probability is, the men in the ranks would have given no quarter, and there would have been scenes of bloodshed never before witnessed.

Washington, however, apparently persevered in his determination, and the lot fell on a young officer nineteen years of age, captain Asgill, one of those included in the Cornwallis surrender. The matter remained in suspense for weeks. Washington knew the fatal responsibility of carrying out

his threat to satisfy the cry for blood by congress. In the interval the strongest representations were made in favour of Asgill. Washington, by the strong feeling which had been called out, gained his point of deferring the perpetration of the act which his nobler nature must have abhorred ; and, doubtless, he would have found some means of extricating himself from the dilemma in which he was placed. Congress, however, remained obdurate.

Lady Asgill, the mother of the young officer, had now recourse to de Vergennes, and her appeal to him was followed by a letter to congress asking for the young officer's release. De Vergennes, while he made the request with perfect courtesy, also requested the release on the ground of right. He wrote, "Captain Asgill is doubtless your prisoner, but he is among those whom the arms of the king, my master, contributed to place in your hands at Yorktown." He further added "that in seeking to deliver Mr. Asgill from the fate which threatens him, I am far from engaging you to seek another victim ; the pardon to be perfectly satisfactory must be entire." Such a firm declaration of dissatisfaction on the part of the power by whose aid at this critical period the independence of the United States had been finally obtained, together with the advanced state of the negotiations for peace, led to a vote of congress being given that captain Asgill should be set at liberty. This resolution was passed on the 7th of November.

On the ratification of the treaty the British troops were to be withdrawn with all convenient speed from "every port, place and harbour in United States territory, a specification which included the western posts on the lakes ; at a subsequent period, the matter of much correspondence. Laurens' influence obtained the introduction of the clause "without carrying away any negroes or other property." The return of all archives, records, deeds, and papers belonging to any of the states, or private citizens, was also provided for.

Article IV. set forth that creditors on either side should

meet with no lawful impediment to the recovery of the full value in sterling money of all *bonâ fide* debts.

The articles V. and VI., still remain the subject of dispute. They were never carried out, and modern United States writers declare that they were never intended to be carried out, that they were impostures introduced to satisfy British requirements, and never designed to be observed. *

I will deal first with the clause VI., for by the harsh non-observance of its provisions, or by its meaning being strained and perverted, a large number of the loyalist population found its way to the British province of Canada. It provided that there should be no further confiscations or persecutions by reason of the part taken in the war; that no person on that account should suffer in person, liberty, or property, and that persons in confinement, at the ratification of the treaty, should be set at liberty, and all prosecutions be discontinued.

By clause V. it was agreed, that congress should earnestly recommend to the state legislatures to provide for the restitution of the property of British subjects which had been confiscated, and that there should be liberty of passage to any part of the territory, and to remain there unmolested for twelve months in order to obtain this restitution; that the recommendation by congress should include the revision of laws in the premises, and that the owners of the confiscated estates should have power to obtain them, by refunding the purchase money paid by the new owners.

It was agreed that there should be no lawful impediment with any individual, in the prosecution of any claim to confiscate lands.

These conditions were not observed, and it was owing to the non-fulfilment of them that the possession of the posts was withheld. It was not until 1796, thirteen years after the

* Even so conscientious a writer as Hildreth remarks (Vol. III., p. 420), "The American commissioners made no secret, however, of the certain futility of all such recommendations." I am desirous of availing myself of this opportunity of expressing my great respect for Mr. Hildreth's history. Throughout it is written in a spirit of moderation and truth.

signature of the treaty, that the posts were ceded. I will, on the right occasion, relate the negotiations which, from time to time, took place on this point, owing to the failure to observe the conditions of the fifth article. *

It only remains to state briefly the conditions of the treaty with France and Spain. France obtained the enormous cession of the fisheries which I have described. In the West Indies the islands of Saint Lucia and Tobago were restored, with the cession of the large island of Dominica, the present Hayti, and the small islands of Granada, Saint Vincent, Saint Christopher, Nevis and Montserrat. In Africa she received Senegal and Goree. In India the establishments of Orissa, Pondicherry, Carical and the fort of Mahé; while the article of the treaty of Utrecht, which exacted the demolition of the harbour and fortress of Dunkirk, was abrogated.

Spain received Minorca. She retained West Florida, and Great Britain ceded East Florida. The right of cutting log-wood in Honduras was conceded to the British, and Spain restored Providence and the Bahama isles. The longed-for prize of Gibraltar, the cause of her entering into the war, she could not obtain. The fruit of her interference was the subsequent loss of her colonies; the consequence to France was bankruptcy, the revolution, and the reign of terror.

The preliminary articles were signed on the 20th of January. The two definitive treaties were signed on the same day, the 30th of September, 1783; that with the United States at Paris, the treaty with France and Spain at Versailles.

I have felt it my duty to give the history of this treaty at some length from the influence it exercised upon Canada, and to relate the negotiations which still affect this continent. It remains to bring into prominence the teaching conveyed by the analysis of its conditions. The sacrifice of British territory on the north-eastern boundary sixty years later had its origin in the clumsy incompetence of the British negotiators of this time, and in their culpable indifference to the interests of Canada, the one province which had remained British.

* [I append the treaty in full at the end of this chapter.]

This indifference, joined to the ignorance of the British representatives of the subjects on which they negotiated, must be the explanation why no maps were placed on record with the treaty, shewing in a general way the boundary designed. Franklin perfectly understood the line which had been determined, and he traced it on the map sent to de Vergennes. Oswald's ineptitude led him to consider its full specification of little importance, and when Hartley was substituted for Oswald, such was his desire for peace that no thought of safeguarding the interests of Canada influenced his mind.

What can be said with regard to the fishery privileges granted to France by the royal declaration? The empire has still the responsibilities entailed by this monstrous act of folly which weighs so heavily on Newfoundland, and has for the present defied the effort of diplomacy.

The incapacity of Oswald remains on record on the map in which he proposed to cede the greater part of the present province of Ontario and to carry the north-eastern frontier to the sources of lake Temiscouata. The United States failed to accept this offer for the western boundary, and it was not renewed; and, strange to say, afterwards not claimed. The truth must be plainly told. Neither the United States nor the mother country knew the value of Canada. Indeed, it is a painful sentence to write, that to within the last quarter of a century, in Great Britain, with a party not limited in numbers and influence, the province was regarded as an encumbrance which it had become simply a point of honour not to abandon.

If the dominion of Canada has at length obtained full consideration in the imperial councils, the fact is attributable only to its progress, its enterprise, its self-assertion and its promise of the greatest future development. We have gained what *status* we possess *par le droit de conquête.* We claim our right, however, in no *parvenu* spirit. Since the close of this unhappy war, Canada has gained her position in the imperial system to exact the respect conceded to us, alike by the parent state and the southern republic, by the

unceasing development of the natural resources she possesses; prosperity effected by the industry and determination of her population. Our history, like that of other peoples, is not a continuous narrative of unalloyed peace and prosperity. We have had our shortcomings and difficulties, but we have unceasingly gone forward in the path of progress and civilization.

No such treaty as that I have recorded, or the more deplorable Ashburton treaty, could again be forced upon us, for those days have passed away forever when the outer provinces were overborne by the cast-iron, unbending theories conceived in the official mind of the London colonial office. That condition can never again return. It is now the beneficent practice of Great Britain, in any negotiation in which Canada or any outer province of the empire is interested, that the points in dispute be represented by some responsible minister of the province interested, held to present all the necessary supplemental information, and to bring forward the *experts* who have studied the matter at issue, possessing the facts required for its elucidation.

Canada learns this duty from the treaty of Versailles, that in all subsequent negotiations the dominion must to a great extent rely on the wisdom and judgment with which her case is presented, and that the research necessary to obtain the subsidiary facts and evidence must be sustained by the highest ability, so that nothing be left to chance or to caprice.

Armed with the proof of the justice and fairness of her course, Canada may count on the unflinching support of the mother country in all that is legitimate and right; but we can never forget that we have on our side obligations and duties of which we can never divest ourselves.

THE DEFINITIVE TREATY OF PEACE AND FRIENDSHIP BETWEEN HIS BRITANNIC MAJESTY AND THE UNITED STATES OF AMERICA. SIGNED AT PARIS THE 3RD OF SEPTEMBER, 1783. * * * * * *

I. His Britannic Majesty acknowledges the said United States, viz., New Hampshire, Massachusetts Bay, Rhode Island and Providence plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia to be free, sovereign and independent states; that he treats with them as such; and for himself, his heirs and successors, relinquishes all claims to the government, property and territorial rights of the same, and every part thereof.

II. And that all disputes which might arise in future on the subject of the boundaries of the said United States may be prevented, it is hereby agreed and declared that the following are and shall be their boundaries, viz., from the north-west angle of Nova Scotia, viz., that angle which is formed by a line drawn due north from the source of Saint Croix river to the highlands, along the said highlands which divide those rivers that empty themselves into the river Saint Lawrence from those which fall into the Atlantic ocean to the north-westernmost head of Connecticut river; thence down along the middle of that river to the forty-fifth degree of north latitude, from thence by a line due west on said latitude until it strikes the river Iroquois or Cataraquy; thence along the middle of said river into lake Ontario; through the middle of said lake until it strikes the communication by water between that lake and lake Erie; thence along the middle of said communication into lake Erie; through the middle of said lake until it arrives at the water communication between that lake and lake Huron; thence along the middle of said water communication into the lake Huron; thence through the middle of said lake to the water communication between that lake and lake Superior; thence through lake Superior northward of the isles Royal and Phelipeaux to the long Lake; thence through the middle of said long Lake, and the water communication between it and the lake of the Woods, to the said lake of the Woods; thence through the said lake to the most north-western point thereof, and from thence on a due west course to the river Mississippi; thence by a line to be drawn along the middle of the said river Mississippi until it shall intersect the northernmost part of the thirty-first degree of north latitude: south by a line to be drawn due east from the determination of the line last mentioned, in the latitude of thirty-one degrees north of the equator to the middle of the river Apalachicola or Catahouche; thence along the middle thereof to its junction with the Flint river; thence straight to the head of St. Mary's river, and thence down along the middle of St. Mary's river to the Atlantic ocean: east by a line to be drawn along the middle of the river Saint Croix, from its mouth in the bay of Fundy to its source; and from its source directly north to the aforesaid highlands, which divide the rivers that fall into the Atlantic ocean from those which fall into the river St. Lawrence; comprehending all islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundaries between Nova Scotia on the one part and East

Florida on the other, shall respectively touch the bay of Fundy and the Atlantic ocean, excepting such islands as now are, or heretofore have been, within the limits of the said province of Nova Scotia.

III. It is agreed that the people of the United States shall continue to enjoy unmolested the right to take fish of every kind on the Grand Bank and on all the other banks of Newfoundland; also in the gulf of Saint Lawrence, and at all other places in the sea, where the inhabitants of both countries used at any time heretofore to fish. And also that the inhabitants of the United States shall have liberty to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use (but not to dry or cure the same on that island) and also on the coasts, bays and creeks of all other of his Britannic Majesty's dominions in America; and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbors and creeks of Nova Scotia, Magdalen islands and Labrador so long as the same shall remain unsettled; but so soon as the same or either of them shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement without a previous agreement for that purpose with the inhabitants, proprietors or possessors of the ground.

IV. It is agreed, that creditors on either side shall meet with no lawful impediment to the recovery of the full value in sterling money of all *bonâ fide* debts heretofore contracted.

V. It is agreed, that the Congress shall earnestly recommend it to the legislatures of the respective states to provide for the restitution of all estates, rights and properties which have been confiscated, belonging to real British subjects, and also of the estates, rights and properties of persons resident in districts in the possession of his Majesty's arms, and who have not borne arms against the said United States; and that persons of any other description shall have free liberty to go into any part or parts of any of the Thirteen United States, and therein to remain twelve months unmolested in their endeavours to obtain the restitution of such of their estates, rights and properties as may have been confiscated; and that congress shall also earnestly recommend to the several states, a reconsideration and revision of all acts or laws regarding the premises, so as to render the said laws or acts perferctly consistent, not only with justice and equity, but with that spirit of conciliation, which, on the return of the blessings of peace, should universally prevail. And that congress shall also earnestly recommend to the several states, that the estates, rights and properties of such last-mentioned persons shall be restored to them, they refunding to any persons who may be now in possession the *bonâ fide* price (where any has been given) which such persons may have paid on purchasing any of the said lands, rights or properties, since the confiscation.

And it is agreed, that all persons who have any interest in confiscated lands, either by debts, marriage settlements or otherwise, shall meet with no lawful impediment in the prosecution of their just rights.

VI. That there shall be no future confiscations made, nor any prosecutions commenced against any person or persons, for or by reason of the part which he or they may have taken in the present war; and that no person shall on that account suffer any future loss or damage either in his person, liberty or property,

and that those who may be in confinement on such charges at the time of the ratification of the treaty in America, shall be immediately set at liberty, and the prosecutions so commenced to be discontinued.

VII. There shall be a firm and perpetual peace between his Britannic Majesty and the said states, and between the subjects of the one and the citizens of the other, whereof, all hostilities, both by sea and land, shall from henceforth cease, all prisoners on both sides shall be set at liberty, and his Britannic Majesty shall, with all convenient speed, and without causing any destruction, or carrying away any negroes or other property of the American inhabitants, withdraw all his armies, garrisons and fleets from the said United States, and from every port, place and harbour within the same, leaving in all fortifications the American artillery that may be therein, and shall also order and cause all archives, records, deeds and papers belonging to any one of the said States, or their citizens, which in the course of the war may have fallen into the hands of his officers, to be forthwith restored and delivered to the proper states and persons to whom they belong.

VIII. The navigation of the river Mississippi, from its source to the ocean, shall for ever remain free and open to the subjects of Great Britain, and the citizens of the United States.

IX. In case it should so happen that any place or territory belonging to Great Britain, or to the United States, should have been conquered by the arms of either, from the other, before the arrival of the said provisional articles in America, it is agreed that the same shall be restored without difficulty, and without requiring any compensation.

X. The solemn ratification of the present treaty expedited in good and due form, shall be exchanged between the contracting parties in the space of six months, or sooner if possible, to be computed from the day of the signature of the present treaty.

In witness whereof, we, the undersigned, their ministers plenipotentiary, have in their name, and in virtue of our full powers, signed with our hands the present definitive treaty, and caused the seals of our arms to be affixed thereto.

Done at Paris, this third day of September, in the year of our Lord, one thousand, seven hundred and eighty-three.

(L.S.) D. HARTLEY.

(L.S.) JOHN ADAMS.
(L.S.) B. FRANKLIN.
(L.S.) JOHN JAY.

THE INTERNATIONAL BOUNDARY BY THE RIVER SAINT LAWRENCE AND THE LAKES.

Although in point of date it may appear premature to speak of the accepted line of demarcation in the river Saint Lawrence, from the circumstance that within the last few months there has been both in Canada and the United States misconception upon the subject, I deem it expedient to relate the steps by which the boundary has been definitely attained. While the dividing line between the waters of the Dominion and those of the United States was clearly established, and determined by diplomatic arrangement, the main channel throughout this extent of the river is recognized as available for navigation equally by both countries, and wherever the geographical line of demarcation may run, the channel for ordinary traffic, on the length of the boundary line, is open for common use, untrammelled by any condition.

Article VI. of the treaty of Ghent of the 3rd of September, 1814, provided for the settlement of any dispute as to what constituted the middle of rivers and lakes. The boundary line westward from lake Saint Francis had been established at an early period, it would appear to some extent, by possession having been taken of the islands by United States settlers. The settlement of the Saint Lawrence on the north shore by the U. E. loyalists, starting on the lately surveyed townships running westerly from lake Saint Francis, began only in 1785; the population being scattered along the front, when the main channel became recognized as the dividing line between the two countries. As we look upon the map, it will be seen that most of the islands have been assigned to the United States, and in any questionable reach of a channel passing on each side of an island, the decision has not been in favour of Canada. I cannot learn any explanation for the line so followed. Generally, the islands have been conceded to the United States, but I am unable to admit that this allotment was made with proper regard to the consideration of the main channel.

After having passed through the Thousand islands no further definition of the line was needed until the Niagara river was reached, and at this spot the channel is clearly defined. Beyond lake Erie the country was almost a wilderness, and, as no dispute had arisen, the question was resolvable only by survey and agreement.

On this occasion Messrs. Barclay and Porter were the commissioners named, the former on the part of Great Britain, the latter for the United States, and the line at this date was determined in the Detroit river, through lake Saint Claire, and the islands to the north of lake Huron. This convention was signed at Utica on the 8th of June, 1822.

The boundary was not continued farther than the foot of Sugar island, owing to the difference of view between the commissioners. On the part of the United States it was contended that the boundary should pass through lake George and Saint Mary's river. The British commissioner contended that the line should run to the west of Sugar island by the channel which enters the Saint Mary's river, a short distance to the south-east of the falls of Saint Mary. The matter consequently remained undecided. There can be little doubt that the British commissioner was not justified in the demand. He appears to have put forth his claim as a set off against Bernhart's island in the Long Rapids channel near

Cornwall having been ceded to the United States, and for the general character of the demarcation agreed upon to lake Ontario.

It was not until 1842 that the Ashburton treaty defined the boundary as passing to the east of Sugar island, the centre of lake George and of the river Saint Mary.

A condition of importance was effected by the convention which can scarcely be over-rated. Article VII. is as follows :—

"It is further agreed that the channel in the river Saint Lawrence on both sides of the Long Sault islands and of Bernhart's island the channel of the river Detroit on both sides of the island of Bois Blanc and between the island and both the American and Canadian shores, and all the several channels and passages between the various islands lying near the junction of the river Saint Claire, with the lake of that name *shall be equally free and open to the ships, vessels and boats of both sides.*"

At Bois Blanc island the channel called "the lime kilns," near Amhertsburg, runs in British territory. The artificial channel across Saint Clair Flats, constructed at great cost by the United States, has been considered, at least in the dominion, to be partially in Canadian waters, and engineer officers of high character in the United States service have conceded that such is the case. Even admitting that the true boundary line places it outside Canadian waters, the work carried out in the improved channel destroyed the natural channel previously followed, and as a consequence the artificial depth attained by the works of the United States has virtually transferred the boundary from the ancient to the present channel now followed.

The channel through lake George, a short distance below the *embouchure* of the river Saint Mary, in the reach where it has been artificially deepened, is entirely in United States waters. From the river Saint Mary, entry is made into lake Superior, the boundary of which had been defined by the treaty of 1783.

There are other minor points where, for a short distance, the channel passes alternately through Canadian and United States waters. The Nebish rapids, at the foot of lake George, which, in 1876–78, were deepened to sixteen feet on a width of one hundred feet, are in Canadian territory. The United States government have lately opened in their waters a wide channel twenty feet deep, which is now generally followed. In the Saint Mary's river the channel passes from one line of waters to the other until the Sault is reached. At this point a connection has hitherto been made with lake Superior by the United States Saint Mary's canal. The Canadian Government has lately undertaken the construction of a canal on the northern side, and it is expected that it will be open to traffic in 1894.

In 1875 the Canadian government obtained a narrow channel to the depth of 16 feet at the "Lime Kilns," placing likewise the landmarks and maintaining the lights necessary for the guidance of the mariner. Under the provisions of the convention of 1818, which made the channels common to both nations, in 1876, the United States continued the work, following in the wake of the Canadian authorities. They finally enlarged the channel to 440 feet in width, with a depth of 20 feet, at a cost of $633,000.

The United States government likewise removed some boulders at the foot of lake Erie.

The increase of draft of vessels on the Saint Lawrence navigation is worthy of record. In 1822 the largest sloops drew from 6 feet to 8 feet, and in 1842, when the canal system of Canada was developed, the depth on the lock sills was made at 9 feet, then held to be the maximum of navigation. It must be borne in mind that there are two systems of navigation on the Saint Lawrence: that extending from Montreal to the entrance of the Welland canal at lake Erie; the second from Lake Erie onwards through to lake Superior. The attempt is being made within this limit to obtain a channel of 20 feet at the lowest water level. There is at present an available channel of 16 feet. The bar to the full development of this increase of depth is the Saint Claire Flats artificial channel.* If the large expense incident to the construction of a new channel at this point be made, the greater depth can be attained; and by the convention of 1818 it can be made at any point, regardless of the nationality of the waters.

The United States have nearly completed a 20 feet channel west of Sugar island, from its head through Hay lake to the Saint Mary's river. This river will likewise require a considerable expenditure to bring it to the standard. Canada is at present but little interested in this increased depth.

The channel of the central Saint Lawrence to lake Ontario has been established at 15 feet; the depth on the lock sills of the lately constructed canals is now 14 feet, having been increased from 9 feet to that depth. Even to attain this result, great expense must be incurred in deepening the natural channel in the Saint Lawrence in several points.

The following are the canals in Canadian territory:

	Length. Miles.	Lift of Lockage. Feet.	Feet.	Size of Lock. Feet.
The Lachine Canal	8½	5	45	270 by 45
Beauharnois Canal, north shore	11¼	9	83	200 by 45
Soulanges Canal, south shore, in course of construction	..	..	..	270 by 45
Cornwall Canal, in course of enlargement to locks 270 feet by 45 feet	11½	6	48	200 by 45
Farren's Point	¾	1	4	" "
Rapid Plat	4	2	12	" "
Galops	7⅝	3	16	" "
Welland	27	..	327	270 by 45

The above constitute the links of the navigation proper to the Saint Lawrence.

* This channel was designed and carried out by colonel Crain, of the U.S. Engineers. It is 7,221 feet in length, 300 feet wide, 16 feet deep. The channel has been obtained by dredging, and it is protected on both sides by lines of sheet piling and heavy pier work. It is lighted at both ends. The cost has been very great, even its maintenance is a serious matter. In order to attain a navigation of 20 feet from Buffalo to Duluth, at the eastern end of lake Superior, a new and distinct channel must be formed on the Saint Claire Flats, at the cost of some millions of dollars.

For the present there is no proposition to deepen these small canals above the Cornwall canal, as the rapids overcome by them can be ascended by vessels of sufficient power.

There is also a channel protected by cribwork 85 feet at bottom, 21 feet deep, 5½ miles long, opening the western outlet from the bay of Quinté into lake Ontario.

The Sault Saint Mary canal, when completed, will be 3.6 miles in length. The lock under construction is 900 feet in length, with 60 feet width of entrance, and in the chamber, admitting three propellors passing through the Saint Lawrence canals. The depth on the mitre sills will be 19 feet; the same depth as that of the United States lock on the S.W. shore.

The artificial navigation of the Saint Lawrence in extent and completeness is not surpassed by any river system of navigation in the world. The distance from Lachine to the extreme limit of lake Superior is something in excess of 1,400 miles.

As it was the fate of the dominion to suffer in the north-east by the appointment of lord Ashburton as a commissioner to determine the boundary, in the west we have equally a monument of his folly at the lake of the Woods. As it has been related, the commissioners of 1818 determined the boundary only to Sugar island. In 1842 lord Ashburton and Mr. Webster carried it onward from that point to the Rocky mountains. By the treaty of 1783 the boundary of lake Superior was clearly defined, the isles Royal and Philipeaux having been assigned to the United States. It was then described as "to run to the Long lake, thence through the middle of said Long lake and the water communication between it and the lake of the Woods, thence the said line to the most northern western point thereof, and from thence on a due course to the river Mississippi." It was soon known that this boundary had been most incorrectly set forth. The sources of the Mississippi are entirely south of lake Superior and to the east of the lake of the Woods. The fact of this imperfectly described line was immediately made known to the British Government, by men interested in the North-west Company and engaged in the fur trade. There is no Long lake, but a series of small water stretches connected by portages to the height of land, whence Rainy river has its source to run westerly to the lake of the Woods.

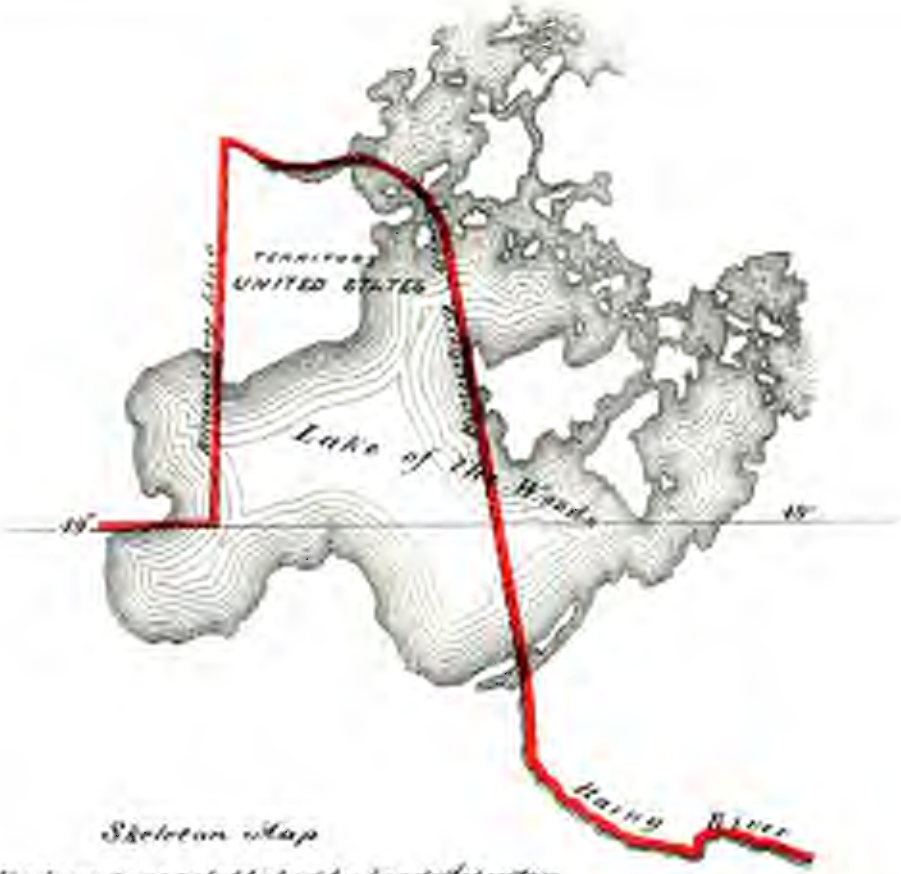
It should have been clear to the British negotiator, that the description of the whole boundary, being incorrectly given, ought to have been set aside as a whole, and a new boundary determined which would have fairly represented the intention of the treaty of 1783. Lord Ashburton's mind was incapable of accepting this view, or he was unwilling to raise any point involving complications. Finding that the most northern point of the lake of the Woods was assigned as a governing point, he permitted himself to accept this description as final, and the line was accordingly arbitrarily directed to what this locality was conceived to be. Had he even acted with judgment on this theory, the boundary would not be characterized by the ridiculous form it has taken; but the British negotiator allowed the water line to be taken among the islands into a bay, a proceeding unwarrantable even by the most strained meaning of what constituted the north-western point of the lake of the Woods, thence he struck a meridian line down to the 49° parallel, taking off a corner of British territory. So extraordinary is the

whole proceeding that I append a map to shew the fatuity of the British commissioner. The corner of land cut off from British territory is valueless for any purpose to the United States, while it is a discreditable blot on the boundary line of the dominion. What makes this decision the more unnecessary is, that the waters of the Saint Lawrence, by the convention of 1818, had been made common to both, regardless of the geographical position of the channel in its national relationship. Such a principle could equally well have been introduced in these waters.

A proper description of the boundary would have been to set forth that it followed by Rainy river, until it reached the lake of the Woods, whence it would follow the 49° parallel, the several channels through the lake of the Woods as far as the north-west point of the lake being common to both nations; a monument hereafter to be placed to denominate the said north-western point.

Instead of this just and fair determination we are inflicted with the objectionable boundary accepted by lord Ashburton.

From the lake of the Woods, the boundary line followed the 49° parallel to the Rocky Mountains.



Skeleton Map
shewing the boundary established by Lord Ashburton.

Lake of the Woods

A.E.A.K.

CHAPTER IV.

After the conclusion of the treaty of peace, an attempt was made by congress in 1783 to obtain possession of the western posts ceded to the United States. In July Washington informed Haldimand that, having been requested to arrange with the British authorities for their transfer, he had deputed Steuben to proceed to Canada to receive them. On his arrival at Chambly, Steuben wrote to Haldimand to make the necessary arrangements for their transfer.* Haldimand, who conceived that it was by no means desirable that Steuben should make himself acquainted with the conditions of the fortifications of the city, replied† that he was on his way to the upper part of the province, that he would meet him at Sorel, and had detailed colonel Hope to conduct Steuben to that place. The meeting was amicable in the extreme, as shown by Steuben's letter from Crown Point,‡ in which he thanks Haldimand and his officers for the kindness he had experienced, and he trusted that he might have an opportunity of returning their courtesy. Haldimand gave Steuben a letter for Washington, in which he stated that while he was anxious to comply with Washington's wishes, the only instructions he had received were for the cessation of arms, and from want of orders he must defer compliance with the request. He added some civil expressions with regard to Steuben, as having been gratified in making the acquaintance of an officer of such repute. He added that he had made every effort to reconcile the Indians to the peace, and he believed successfully. Steuben on receiving verbally this explanation acknowledged its force, and had asked that it

* [3rd August, 1783.]
† [6th August.]
‡ [17th August.]

might also be given him in writing. For the time the matter remained in this condition.

As the period for Haldimand's departure was drawing near he asked for instructions on this point. In May, 1784, he received a similar application from the state of New York. The bearer of the letter was colonel Fish, acting on the instructions of governor Clinton, of New York. Haldimand gave a similar reply, that he had received no orders regarding the posts. In reporting the request to lord North, he expressed the opinion that he did not think it proper to abandon the posts, until the clauses with regard to the loyalists had been carried out. Under any circumstances the demand on the part of New York was inadmissible, the treaty being with congress and not with the separate states. Some such reply must have been given to Fish, with the expression of his own view,* that, the posts would not be given over until such times as the states should carry into execution the articles in the treaty in favour of the loyalists. He told Fish, that in accordance with that article, he had given permission to many of those "unhappy people" to proceed to the south, to solicit the recovery of their property. They could effect nothing, they had been insulted in the grossest manner, and had been glad to be able to leave the country in safety. His orders had been to avoid everything which might tend to prevent a reconciliation between the two countries; he had accordingly made no representations on that head. He could not, however, be insensible to the sufferings of those who had a right to look to him for protection. Such conduct was not a likely means to engage Great Britain to entertain the request which had been made.

I have related this interview as reported by Haldimand to lord North, as a proof that there was no theory in Canada that the article of this treaty consisted of mere meaningless words. It was regarded as a reality, and so acted upon, and it was precisely because the terms were not observed, that the cession of the posts was refused. Fish, who had none of this

* [Can. Arch., B. 57.2, p. 615, 12th May, 1784.]

bad feeling, and probably for this reason had been selected for the mission, assured Haldimand that these proceedings against the loyalists were disapproved by the men in any position, and he instanced the case of governor Clinton, himself, having rescued captain Moore from the insolence of a New York mob. The reply, that the treaty was with congress, not with each state, was accepted by Fish as a sufficient answer.

In June a correspondence took place between Haldimand and general Knox on the subject. Haldimand replied by sending copies of the correspondence which had exchanged between himself and Clinton, and repeated what he then said, that he had received no orders to vacate the posts, and that he could not act without instructions. The proposal had been made by Knox that the guns and stores in the posts should be left behind, and given over to the United States authorities when assuming possession, on payment of their value, or by exchange of material in some form being made for them. In answer to this proposal, Haldimand informed Knox that he was in no expectation of receiving orders to carry out this condition, even when the posts should be ceded.

On the 16th of July lieutenant colonel Hull arrived to repeat the application on the part of congress. He was informed by letter that Haldimand had communicated to general Knox the reasons which put it out of his power to enter into the negotiation. At the same time Haldimand did not hesitate to express to colonel Hull, as it had been communicated to colonel Fish, his own sense of the strong dissatisfaction felt at the treatment everywhere received by the loyalists.

During the same year governor Crittenden, of Vermont, likewise made a demand for the posts on lake Champlain; he received for a reply that it was not a matter of state interference.

The transfer of the posts was, therefore, withheld on the ground that Haldimand had no order to give them up; but

the reason was in no way concealed, that the non-compliance with this condition of the treaty was the failure of the United States to carry out the clauses by which congress had engaged to obtain restitution of their property to the loyalists. On all sides every difficulty was thrown in the way of doing justice to them, and in many of the states hatred and persecution were encouraged against them.*

The transfer did not take place until 1796.

* As a proof of the feeling manifested at this period I append a report of the proceedings of a public meeting held on the 19th of May, 1783, in the neighbourhood of Albany, on the Hudson, as it appears in a journal of that city: "As Hannibal swore never to be at peace with the Romans, so let every Whig sware (sic) by the abhorence (sic) of slavery, by liberty of religion, by the shades of those departed Friends who have fallen in battle, by the ghosts of those our Brethren who have been destroyed on board of Prison ships and in loathsome dungeons, by the manes of a Hayne and other virtuous citizens whose lives have been wantonly destroyed, by everything that a freeman holds dear, never to be at peace with those fiends, the Refugees, whose thefts, murders and treasons have filled the cup of woe; but shew the world that we prefer war, with all its dreadful calamities, to giving to those self-destroyers (sic) of the humane (sic) species a residence among us. We have crimsoned the earth with our blood to purchase peace, therefore are determined to enjoy harmony uninterrupted, with (out) the contaminating breath of a Tory.

At a Meeting of the inhabitants of the district of Saratogo (sic) in the county of Albany, held on Tuesday, the sixth day of May, 1783, the following resolutions were unanimously voted and ordered to be published in the *New York Gazetteer*. Whereas in the course of the late glorious contest for liberty and independence, many persons residing in this and other of the United States, regardless of their duty, have basely deserted the cause of this country, and voluntarily joined the enemy thereof, to aid and assist in subjugating it to tyranny and slavery and progressing from one species of villany to another, these diabolical miscreants became the voluntary instruments of those barbarous massacres, in which neither age or sex (sic) or condition were spared, and in which the horrid spectacle was exhibited of harmless infants expiring on the mangled bodies of their butchered parents, and whereas, wretches so disgraced with infamy and crimes ought not to participate in the blessings of a free government

Resolved therefore. That if any person who hath voluntarily joined or attempted to join the late enemy of the United States, and who shall hereafter return to this District, such person will be treated with the severity due to his crimes and infamous defection.

Resolved. That if any such person has already returned since the first day of January last, and shall not remove before the tenth day of June next, he shall be treated in like manner as those who shall presume to return hereafter.

Resolved. That it be and it is hereby earnestly recommended to the Militia

In the twenty years that had elapsed since the conquest, the fur trade had much increased. From the days of French rule it had been looked upon as the chief object of commerce, and control of it as the great end to be attained. It had languished during the war, but it rapidly recovered its activity, and during the few years preceding 1780 had been greatly extended. At this period the north-west trade was in the hands of the Montreal firms, who acted in concert in given proportions, without formal incorporation into a company. Whatever the relationship of these firms at this time, the celebrated North-West Company was formed only in 1784, when the connection was established for the period of five years.

The prospect of the transfer of the posts, incident upon the peace of 1783, gave much anxiety to those whose interests were connected with this branch of commerce, more especially as the description of the boundaries west of lake Superior was entirely fallacious. I have stated that the description was so at variance with all geography that it was valueless for practical use, although it was plain that it pointed out the locality selected. The fact was early made known to the government by Mr. Frobisher, a Montreal merchant of standing, who recommended that a survey should be immediately made. The only connection with lake Superior and the west was by the route known as the Grand Portage. Mr.

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officers of this District in their several beats, to make diligent enquiry after such persons as are above described, and if any are found, to give notice to the Inhabitants of this District that effectual measures be taken for their expulsion.

Resolved. That we will hold in contempt any Inhabitant of this District who shall countenance, comfort, aid or abet any person who has voluntarily joined the Enemy or attempted so to do. *

By order of the meeting,

SAM'L BACON, *Clerk.*

On this subject McLean wrote to Haldimand on the 17th of June, "There, I believe, is very little doubt but that general Schuyler is the Principal Person concerned in these inflammatory Publications; he has been a large purchaser of the Confiscated Estates of the Loyalists." [Can. Arch., B. 103, p. 203.]

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* [Can. Arch., B. 103, p. 183.]

Frobisher represented that those engaged in the trade were desirous of knowing where the boundary was to be drawn, so that they might not be unexpectedly deprived of this line of communication, and that sufficient time would be given them to withdraw their property within British territory.

Mr. Frobisher stated that it was the intention of those interested in the trade to discover if possible another passage, unless the government should desire to undertake the exploration; and that if discovered, he hoped that the possession of the route would be granted in full right for seven years, as a reward for their enterprise. He recommended that a government post should be established at Point aux Pins, above Saint Mary's falls, to command the entrance to lake Superior, and on the ground of the utility to be derived from the establishment of a settlement at that point.*

Haldimand replied that it would not be prudent at that time to express any doubts regarding the boundary line, or to propose that a survey should be made, for in that case it would have to be jointly undertaken by both countries, and the proceeding would furnish an opportunity to the United States traders of obtaining a knowledge of the fur trade which they did not then possess. There was no doubt that the boundary would run through the chain of lakes. Haldimand cordially approved of the effort to obtain another line of communication to the lake of the Woods, and would give every encouragement in his power to the project; but nothing could be promised on his side until instructions were received from home.

Haldimand, with that quiet energy of character peculiar to him, despatched captain Daniel Robertson, of the 84th regiment, then in command at Michillimackinack, to examine with regard to a site for establishing a small garrison at the entrance to lake Superior, and to determine a fit position for a trading post on the north shore of the lake. Robertson reported that there was a good harbour at point Tessalon, on lake Huron, and that in a moderate way it presented certain

* [Can. Arch., B. 75.2, p. 75, 19th of April, 1784.]

conveniences. In a subsequent communication, he pointed out the advantage of establishing a carrying-place between lakes Ontario and Huron, by which the Niagara portage could be avoided.

Subsequently Haldimand informed Frobisher that he did not think himself authorized to give a grant, either of a new line of communication, if discovered, or an exclusive right for a limited time to trade by it, but that he would refer the communication to the home ministry.*

Allsopp, who had persistently opposed the government on all occasions, was on February the 14th suspended as a member of the legislative council, the proceeding being referred to England. The cause for this extreme measure was, that he was the open abettor of disloyalty. The right of entering on the journals a protest against the opinion of the majority was amply recognised, but it was maintained that it should not be exercised in the spirit and language of sedition; that it was an abuse of the privileges to vindicate and justify the persons who in 1775 openly joined the invading army of congress, or privately aided and abetted it. Further, the protest of a member should not contain unwarrantable insinuations defaming members who entertained opinions opposite to his own. It was for the violation of this principle that Allsopp was suspended.

Indeed, at this date there arose among the English-speaking population great political activity. It took the form of an agitation against the Quebec act. A strong opinion prevailed that its provisions would maintain the French Canadians as a people apart, and that it recognised as the established religion the Roman Catholic faith professed by the majority. Even in modern times this opinion has been advanced by several able men, who argue that the Quebec act was a mistake, and justify the view they take by the utterances of Masères. Masères' capacity must always

* [This correspondence is given in full in the report of the Can. Arch., 1888, pp. 59–72.]

exact respect, and his character was unblemished; but his strong prejudices bewildered his judgment.

The expedience of the general provisions of this act can be best determined by the inquiry, what other course was open to the imperial government. There was but one of two courses to be followed. To allow fair consideration to the great majority of the inhabitants, or arbitrarily to establish the English language and English law. It may safely be said, that neither the public voice of Great Britain, nor that of the old provinces, nor the feeling of the house of commons, would have admitted the policy of re-establishing Canada as a purely French province, to remain unchanged in its laws and form of government; to be held as if it continued to be *la nouvelle France*, which by the conquest it had ceased to be.

It must be borne in mind that the Quebec act has an origin totally distinct from all relationship with the revolutionary war. The theory is untenable, that its design was to create a counterpoise to the unquiet efforts perceptible in the British provinces, when fear of a French war had ceased. The sole design of the Quebec act was to establish law and order in the new province, and by the liberality and fairness of its provisions to induce the "new subjects" to be true and loyal to the new nationality entailed upon them.

With these considerations we may examine the second alternative, to make English the one language of the courts and of official life, and English law the one system of jurisprudence. The consequence would have been that to sixty thousand of the population the enactment would have been a continual persecution, and that it would have found favour only with some few hundreds of English-speaking residents of the cities whose theory of government was simply that it should be in accordance with their own opinions. It is indeed questionable, if persecution would have succeeded in the establishment of this arbitrary principle; it may even be safely said that so unjust an enactment could not have passed the house of commons, for it was in

direct opposition to the sentiment of right and fairness, so long observed as a principle with the British race, independently of the impracticable character of the measure, which would have been immediately apparent.

The policy which was followed, suggested by justice and moderation, has left no sting behind, no remembrance of wrong. The French Canadian, with any knowledge of his history, when he reflects upon the fairness of treatment received by the generation which fell under British rule at the conquest, and that which followed it, cannot fail to recognise the beneficence and honesty shewn in the effort to elevate and promote the happiness of the whole people. All thought of predominance of race was set aside. No rancour can arise in any well constituted mind, from the remembrance of tyrannical injustice experienced at that day. The *corvées*, the involuntary service in the field, the enforced ignorance of the simple *censitaire*, were all swept away; while respect was shewn to the creed, language, customs and laws of property, so that no shock in social life was experienced. Whatever the defects of the Quebec act, and a great many of us have not the most profound respect for French law as it is not unfrequently administered, it has this merit, that it has left behind no painful memory of oppression and injustice with the descendants of the sixty thousand first inhabitants affected by its provisions. On the contrary, it remains a legal monument of British justice, generosity, and fair dealing, and must be so remembered in history.

No sooner was the peace known to be signed, than the British population of the cities of Montreal and Quebec entered into an agitation to obtain a change of the constitution. The English-speaking people did not exceed 2,000, if they reached that number; but they made up in activity for their want of numerical strength. Almost the entire commerce of the province was in their hands, although some few of the prominent French Canadians had taken part in the wheat speculations. With the majority there was a rooted objection to the legislative council, not from any

wrong which the country had suffered, but from the feeling that it imposed a limit on the personal ambition of those desirous of entering public life; consequently, the form which this movement took was the demand for the repeal of the Quebec act, and for the substitution of a system of government on more popular principles.

One source of dissatisfaction seriously entertained was the non-recognition of the *habeas corpus* act. The question had been decided by the judiciary, when proceedings in court had been taken by the advocates of the political prisoners confined by Haldimand, that the act did not apply to Canada. The subject, however, was brought before the council in 1784, and an ordinance for the protection of personal liberty was passed, which removed one of the strongly expressed objections against the Quebec act.

Haldimand had not formed a good opinion of the future prospects of Canada as a commercial country. The census which he caused to be taken in 1784 shewed the population of the whole province to be 110,857. The district of Montreal numbering 55,615; Three Rivers, 12,618; Quebec, 41,824. The cities contained: Montreal, 6,479; Three Rivers, 810; Quebec, 6,491. The census taken in 1761 had amounted to 61,780.* No distinction was made at either date between the old and new subjects. The English-speaking people were to be found almost entirely in the cities. There had been no emigration from Great Britain, owing to the prejudice which then was entertained against the climate of Canada, and very few of those who had reached the province had found their way to the parishes. Such as in the cities had married French Canadian wives generally saw their children follow the language and religion of the mother; and in the third generation, as a rule, they were undistinguishable from the bulk of the French Canadian population. I cannot myself see ground for placing the English-speaking population at this time higher approximately than 2,000. The united population of the three cities

* [Ante., Vol. IV., p. 453.]

of Montreal, Three Rivers and Quebec was 13,780 souls, and it appears to be that to assume five-sixths of this number as representing the French Canadian element is not a low ratio. There were accordingly some 500 or 600 of the male population of mature age advancing the claim for political change. No account is here taken of the garrison, or of those who in civil life were holding imperial appointments.

The French Canadian population, on the contrary, consisted of 108,000, with the tendency to absorb much of the element not belonging to it, owing to the perfected religious organization by which the marriages that were taking place gave an increase to its strength. The entire population was opposed to change, and, clinging to its language, its creed, its customs, and its tone of inherited feeling, remained a community apart. The French Canadian under British rule had become rich and prosperous; he was exempt from the oppressive restrictions which, during French rule, had kept him in hopeless poverty. There was no government claim upon his time or labour. He was a free man, receiving a fair wage for a fair day's work when given to the country. Indeed, to a greater extent than any population on the continent, the French Canadians had profitted by the progress of events of the last quarter of a century; but the rural population had remained unchanged in their social and political views, and shewed no inclination to accept the impulse of any modern movement. *

Haldimand could see no strength to the empire in the possession of Canada as it was constituted, and he formed the opinion that it would be unwise to incur great expense in its defence. He foresaw difficulty in the settlement of the country by the loyalists, as they would bring with them feelings of bitterness against the new United States, and distrust a settlement which would have its origin in the persecution to which they had been subjected, the hardship they had undergone, and the losses they had suffered from attachment

* The general details of the census of 1784 are given at the close of this chapter.

to the mother country. He conceived that trouble would be created by establishing them near the frontier, as the constant antagonism would lead to perpetual quarrels. He, therefore, proposed that the part of the province of Quebec adjoining the frontier should be left for settlement by French Canadians, while the loyalists from the old provinces could be established on the Saint Lawrence running back to the Ottawa and to the east at the bay of Chaleurs. In order more readily to control this view, in February, 1783, he revived the office of solicitor-general, appointing Mr. Jenkyn Williams to it, and at the same time making him inspector of the king's domain, so that he could carry on his own theories of settlement.

Several years had to pass before the prejudices which were felt regarding the climate of Canada were to pass away and they long retarded emigration. We cannot say that even in modern times they have entirely ceased to be. In 1784 a pamphlet published in London described Nova Scotia "as a country where there were nine months of winter and three months of cold weather. . . A winter of almost insuperable length and coldness. . . There are but a few inconsiderable spots fit to cultivate. . . The land is covered with a cold spongy moss in place of grass. . . The land is so barren that corn does not come in it . . the country wrapt in the gloom of perpetual fog. . . The mountains run down to the sea and leave but here and there a spot fit to inhabit."* And these opinions were by no means uncommon.

In 1784 Powell carried to England the petition praying for the repeal of the Quebec act; the establishment of a house of assembly; full exercise of the Habeas Corpus; the decision of trials by juries chosen by option, entirely English or French-speaking, with security for the independence of the judges; and sundry other points of minor

* As quoted by Mr. Sabine in his American Loyalists, p. 65: Mr. de Celles, the general librarian of parliament, informs me that he has seen a MS. letter from lord de Spencer, in which he declined to purchase the seigniory de Lauzon, on the ground that it was too near the north pole.

importance. The request that full security should, by legislation, be given for the personal liberty of the subject was unhesitatingly admitted. The reply received by Powell, with regard to the other demands, was that the importance of the petition was fully recognised, but that nothing could be done in haste.

Lord Sydney, in writing to Haldimand, did not express himself in favour of the proposed house of assembly. He regarded the movement as the work of men whose attachment to the country was doubtful. Indeed, it is not easy to dissociate from the agitation the prospect of personal influence and importance which aided much in the advocacy of the measure. It received scarcely any support from the French Canadians, and was thus the demand of one-fiftieth part of the population, without political strength to maintain their position. They failed to see that numbers were against them, and that if the great bulk of the population remained firmly united, as in a few years became the case, and acted in a spirit of self-assertion similar to that shewn by themselves, they would be excluded from public life, and would be powerless to oppose the influences against which they had to contend.

When Sydney added the opinion that any relaxation of power at that time possessed by the executive government, as it was constituted, would be detrimental to the province, he gave full expression of the desire to assure its well being, and that in this spirit no proposition disadvantageous to Canada would be "listened to" in the proposed commercial treaty with the United States. The first object of the imperial government was the promotion of legislation, consistent with the prosperity, tranquility and happiness of the province.

Notice of the completion of the "Definitive Treaty" was received in Canada on the 18th of September, 1784.*

One of Haldimand's early projects had been the erection of a citadel at Quebec; but he was deterred from carrying

* Haldimand to Sydney, 30th of September. [Can. Arch., B. 57.2, p. 639.]

out the plan to its full extent owing to the scarcity of workmen, and the extremely high wages asked by the men who were available. Accordingly, he felt himself constrained to limit his operations to strengthening the detached works, and to restoring and maintaining the fortifications as they had been originally constructed. He ordered fascines to be made and brought within the gates, so as to be available in case of attack. Although, as he was circumstanced, he saw the impossibility of even beginning the works, he caused plans and estimates to be prepared, and they were submitted to lord Townshend, who, on the receipt of them, wrote that he was glad to find that so important a project was not laid aside. In 1781 Haldimand had been enabled to report that he trusted the works he had undertaken would supply the place of the citadel, and that the town might be considered in a tolerable state of defence.*

Previous to his departure in 1784 he made a report of the condition of the fortifications, and the work required to complete them. †

It has been stated that Livius, while holding the position of chief justice, remained in England enjoying the office as a sinecure. ‡ The commissioners appointed to perform the duties of the office unceasingly preferred their claim for payment for their services. During the period that Germain continued in power the application received no attention. The subject brought to the attention of lord Sydney was definitely settled in 1784 by the order, that while absent from his duty Livius was to receive only half his salary. In consequence the order was given to pay the sum of £3,660 § for the services of the commissioners from 1778 to 1784.

The question regarding the fisheries came into prominence at this time. Four United States vessels landed at point

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* [Can. Arch., B. 60, p. 97, 7th July.]

† [Can. Arch., B. 155, p. 189, 23rd of October.]

‡ [Ante., Vol. VI., p. 470.]

§ [Can. Arch., B. 50, p. 148.] Sydney to Haldimand, 8th of April, 1784. [Can. Arch., B. 56, p. 296.] Haldimand to Treasury, 3rd of October, 1784.

Saint Peter, Bonaventure island, in the bay of Chaleurs, erected stages, and commenced fishing operations. They had likewise established themselves at Bonaventure. Cox, the lieutenant governor of Gaspé, ordered them off, as these localities were not included in the treaty available for foreign fisheries. Cox was sustained in the view he had taken, and was directed to communicate with admiral Douglass, it being a part of the marine duty to protect the fisheries. We hear no more on the subject, and the inference is that the trespass ceased.

An early effort which succeeded the news of the peace was the commencement of a road through Canadian territory, passing by lake Temiscouata, to communicate with Nova Scotia. Governor Parr, of Nova Scotia, gave it his earnest support, and the project was warmly received in that province. The work was carried on during the summer. The following year the province of New Brunswick was constituted, Thomas Carleton being appointed governor on the 22nd of October, 1784; so the project ceased to be considered by Nova Scotia.

The road from the lake ran along the Madawaska until it met the Saint John's river. Little more appears to have been done than to cut the way through the woods and construct bridges over the smaller streams. As late as 1832 a traveller* who passed over the route described it as little better than a rough trail. In summer, lake Temiscouata and the Madawaska with its portages were used with canoes to the Saint John. In winter, the roads depended on the depth of snow and the amount of travel. But the line was open, and could always be passed over on snow-shoes.

The Indians when informed of the definitive treaty of peace shewed anxiety regarding its provisions. Hearing of this feeling, Schuyler, at that time active in political life in Albany, made great efforts to cause dissension in the tribes. He invited the Oneidas to a congress in that city, and

* ["A Subaltern's Furlough." Lieut. E. T. Coke, London, 1833.]

they were instructed not to ask the attendance of the Mohawks, Senecas and Cayugas, as it was the intention to chastise them. Congress sent a message with an address to the Indians of the western lakes. Both brigadier Maclean and colonel de Peyster refused to allow any such communication to be made. The account of the meeting reached Niagara through the Oneidas. They reported the threats of Schuyler against the loyalists who had taken part in the operations on the Mohawk, particularly against Sir John Johnson and Butler. The consequence of the expression of this feeling was, that many of the Delawares at Buffalo creek abandoned the position where they were established and crossed lake Erie to the Grand river.

Maclean, who wrote on the subject to Haldimand, reported that the Indians had expressed much feeling on the settlement of the boundaries. They declared that the conduct of Great Britain was "treacherous and cruel;" the king had no right, they asserted, to cede their land to the United States. The Indians were a free people, in no way subject to the king of England, and they had taken part in the war, not as subjects, but as faithful allies. They would not be the aggressors, but they would defend their rights when assailed. Maclean did all that was possible to pacify them, and they agreed to remain quiet until Haldimand could communicate with England.

In June, Joseph Brant and John the Mohawk proceeded to Quebec, to learn the position assigned by the treaty to the Indians. They expressed themselves much hurt that no mention had been made of them in the articles, for the tribes had shewn constant devotion to the cause of Great Britain and had suffered greatly in the war. Haldimand offered them territory on the bay of Quinté, west of Kingston, and earnestly endeavoured to reconcile them to the peace. The officers at the posts were instructed to be watchful, and to give all possible aid to the Indians. Nothing was spared on Haldimand's part to keep them well affected to the

government, and he strove to create with them a desire for peace with the United States.

Congress, however, continued to send agents among the Canadian Indians, three of whom from the Indians of Virginia arrived with messages and belts; and, at the same time, the eagerness to obtain possession of land in the west was the cause of frequent encroachment upon the Indian territory. These operations were conducted in a manner to convey the impression that there was a desire to awaken in the Indians the spirit of retaliation, and provoke them to acts of aggression, and thus bring on an Indian war. In such a contingency, it could be urged as a principle of self defence that extreme measures were imperative, and the most active steps for their destruction would obtain popular support.

The British agents on their side directed their efforts to inculcating moderation and forbearance, representing that all that was possible for the well-being of the tribes would be undertaken by the government. They succeeded in maintaining restraint, so that there was no violation of the peaceful relations which outwardly existed. The Indians were led to hope that the absence of violence on their side would secure from the United States the enforcement of justice and fair treatment. Haldimand represented to the home government the strength of this spirit of dissatisfaction, and that, whatever form it might assume, it was not possible for him to intervene; that he was unable in any way to take up their quarrel should they proceed to hostilities, for by so acting he would renew the war. All that was in his power was, to give them the best equivalent for their losses that was possible, and to use his influence with them to accept peaceable relations with the United States, as the only policy open to them.

As it had been determined that the posts should not be abandoned until the United States had complied with the conditions of the treaty on the subject of the loyalists, opportunity might be offered for the more satisfactory arrangement of Indian affairs. Time would thus be given to

the traders to secure their property, and those Indians who were willing to accept the offer of an asylum in Canada would be enabled to establish themselves in their new possessions.

At this date La Fayette returned to the United States to act with his characteristic want of judgment. He visited the Oneida village, and certainly did nothing to assure peace or to quiet the angry feeling of the tribes. He followed in the steps of Schuyler in the attempt to create discord. He told those who were assembled that they had acted wisely in listening to the voice of the French general, who had advised them to behave like dutiful children to the British government after the province had been conquered. He was present at that meeting to bury the past, and to forget the decided part they had taken during the late troubles. He hoped now to be on better terms with them. The time was fast approaching when their old friends, the French, would be once more amongst them, that it would then be in their power to take vengeance on the English, and he would soon put the means of so acting in practice. He would not tell them the particular time when it would be, but they might rest assured that it would soon come to pass. What he had said they must let sink deep into their hearts, and prepare themselves in accordance with it.

La Fayette had lately arrived from Paris; whether any design for the repossession of Canada had been the subject of ministerial consideration it is difficult to say, but the only explanation of his speech is, that in his view some such step, having its origin in the province, was not impossible.* Not only with the Indians but likewise with several of the French Canadians he carried on a correspondence, in which he endeavoured to work upon their sentiment. So much so, that the proceeding caused Hope great uneasiness, and he brought the subject before the government. †

* [Can. Arch., B. 75, p. 251.] Langan to Lieut.-Governor Hamilton, 18th Nov., 1784.

† [Can. Arch., B. 75.2, p. 264, 2nd Dec., 1784. B. 76, p. 16, Jan. 22nd, 1785.]

Happily all unfortunate consequences were avoided. The Mohawks, under Brant, obtained a grant of land at the Grand river, lake Erie; another body was established on the bay of Quinté, where they remain to this day.

Haldimand's grant is dated the 25th of October, 1784. It embraced a tract of land, six miles in width, on each side of the Grand river, extending to its source. The ownership had lately been obtained by purchase from the Chippewas. The grant was confirmed by general Simcoe on the 14th of June, 1793, when the official patent was issued.

The original extent was 694,910 acres. A great portion of it, however, has been alienated. Nearly 700,000 acres have been surrendered to the crown in trust, to be sold for the benefit of the tribes. Some portion of the land was sold, or let on lease, by arrangement made directly with the Indians, a proceeding in itself illegal, but it has not been disturbed. The reserve owned by the Indians is still held by the descendants of the tribe, which at the time of the revolution left the province of New York. They still adhere to their old mode of life. Generally they are members of the church of England, but with the century of change, which has worked its influence around, they remain Indians. The remark has often been made, that it is no difficult matter to turn a white man into an Indian, but hitherto the problem of transforming the Indian into the white man has defied civilization.

The Mohawk settlement in the bay of Quinté, in the township of Tyendenaga, was also commenced in 1784. In 1793 they received a grant from the crown of about 92,700 acres. Upwards of two-thirds of this land was ceded back to the government in 1820 and 1825, in consideration of an annual payment to be devoted to their support.

CENSUS OF PROVINCE OF QUEBEC, 1784.

	MALES.									FEMALES.							
		Unmarried.		Domestics.							Girls.		Domestics.				
	Married Men.	Above 15 years.	Under 15 years.	Above 15 years.	Under 15 years.	Absent above 15 years.	Infirm above 15 years.	Slaves.	Total number of Males.	Number of Women.	Above 14 years.	Under 14 years.	Above 14 years.	Under 14 years.	Slaves.	Total number of Females.	Grand Total.
City and Suburbs of Montreal	1,137	490	879	483	72	56	118	70	3,305	1,245	465	905	430	57	72	3,174	6,479
Island of Montreal and Île Jesus	598	257	669	157	35	7	42	1	1,766	555	230	708	86	2	..	1,581	3,347
Remainder of the District	8,405	3,610	10,089	1,450	341	241	465	32	24,633	7,927	3,114	9,190	702	186	37	21,156	45,789
Total, District of Montreal	**10,140**	**4,357**	**11,637**	**2,090**	**448**	**304**	**625**	**103**	**29,704**	**9,727**	**3,809**	**10,803**	**1,218**	**245**	**109**	**25,911**	**55,615**
Burg of Three Rivers	133	53	151	27	5	4	13	1	387	155	86	155	24	2	1	423	810
Remainder of the District	1,947	859	2,723	241	104	100	105	1	6,080	2,092	791	2,571	208	65	1	5,728	11,808
Total, District of Three Rivers	**2,080**	**912**	**2,874**	**268**	**109**	**104**	**118**	**2**	**6,467**	**2,247**	**877**	**2,726**	**232**	**67**	**2**	**6,151**	**12,618**
				Both Sexes.													
City of Quebec	1,116	669	1,000	606	..		25	41	3,457	1,355	651	987	....		41	3,034	6,491
Remainder of the District	6,864	3,443	9,041	1,189	..		125	47	20,709	6,025	555	7,997	....		47	14,624	35,333
Total, District of Quebec	**7,980**	**4,112**	**10,041**	**1,795**			**150**	**88**	**24,166**	**7,380**	**1,206**	**8,984**			**88**	**17,658**	**41,824**
Grand Total	**20,200**	**9,381**	**24,552**	**2,358** 557 Both Sexes. 1,795		**408**	**893**	**193**	**60,337**	**19,354**	**5,892**	**22,513**	**1,450**	**312**	**199**	**49,720**	**110,057**

The following was the condition of the Ecclesiastics of the Roman Catholic Church :—

Bishop and Suffragan		2
Seminary, Quebec	6	
" Montreal	10	
	—	16
Recollets, Quebec	11	
" Montreal	3	
	—	14
Curés, District Quebec	46	
" " Three Rivers	13	
" " Montreal	40	
	—	99
Total		131

RELIGIEUSES.

Ursulines, Quebec	39	
" Montreal	21	
	—	60
Hôtel Dieu, Quebec	32	
" " Montreal	32	
	—	64
Hôpital General, Quebec	33	
" " Montreal	17	
	—	50
Congregational, Quebec	12	
" Montreal	48	
	—	60
Total		234

There were but few Protestant clergy in Canada at this date, even on the arrival of the first bishop Mountain, in 1793, there were but nine in Canada.* For the first years after the conquest the duty was performed by the military and naval chaplains. In 1766 Mr. Delisle was appointed rector of Montreal. He informs us that previous to this date Mr. Doty and Mr. Stewart had officiated. A minister was appointed to Three Rivers† in 1768 and at Sorel in 1783. Service was also held at St. John's by the loyalist clergyman, who sought refuge in Canada. As the loyalists were established in the north of the Saint Lawrence in 1784, chaplains were appointed at Prescott, Cornwall and Kingston, then known as New Oswegatchie, New Johnston, and Cataraqui. The Rev. Mr. Bethune, the first Presbyterian minister of Montreal, was established in the city only in 1782, on the disbandment of the "Highland Emigrants," afterwards the 34th regiment, of which he had been the chaplain.

* [Memoir Rev. Bishop Mountain.]

† The condition of the clergy at this early date is carefully described in the "Church of England in Canada, 1759–1793, from the conquest to the establishment of the See of Quebec," by the Rev. H. C. Stewart, rector of Three Rivers.

CHAPTER V.

Not the least important duty in the closing years of the government of Haldimand was the establishment upon Canadian territory of the loyalists who sought a refuge on British soil: the founders of the province of Ontario. It is not possible in a work professing to be the history of Canada to pass over this event by a merely superficial allusion. It is equally a duty to avoid all appeals to past bitterness of feeling and in no way to awaken ancient antipathies. Nevertheless, the facts under which this expatriation took place cannot be suppressed. The large number embraced within it had either fought in the field for the cause of the mother country, or had been forced to abandon their possessions and property by positive persecution or the certainty of being subjected to it. To such as these the new nationality of the United States offered neither home, protection, nor asylum. In speaking of the sufferings and hardships undergone by these families, for they included women and children, the tone of a Canadian writer must be the opposite to that in which the narrative has often been written. Even the most moderate of modern writers of the United States mention the existence of an American loyalist in the tone of apology, even of wonder that any such class should exist; and with some exceptions they entirely set out of view that much of this emigration took the form it assumed owing to the persecution and wrong practised against all who were believed to hold such opinions.

After the conclusion of the peace there was little safety for any who were held to have loyalist feelings, and dread of the future, as much as sorrow for the past, was the prompting motive of thousands who continued to cling to British protection. A very large class had borne arms during the

war, and as we recognize this fact that 25,000 loyalists were under arms in defence of the connection with the mother country, the wonder is that, with the power Great Britain could bring into the field, the revolution was successful. We now know how often the cause of congress was in danger of collapse, and that its success was not so much won by the armies of congress as lost by the incapacity of lords North and Germain at home, and the incompetency of the generals sent to command armies, and the admirals to conduct the operations of the fleet. It is difficult to find in military history generals more incompetent than Gage, Howe, and Burgoyne, or admirals less fitted for their duty than Graves or Arbuthnot. With the brilliant qualities of Cornwallis, the close of his campaign at Yorktown proves his want of judgment and forethought; and whatever the noble service rendered in 1782 by Rodney, he must be held responsible that de Grasse obtained the superiority of the seas and made impossible Cornwallis' extrication from the position in which his own imprudence had placed him.

The articles of peace arrived in New York in March, 1783. Even on the 26th of May following, the provisional articles had not been ratified by congress. Carleton evacuated New York on the 25th of November, but he did not leave Staten island, or Long island, or the harbour, until the 4th of December. Carleton embarked for England all the stores belonging to the crown, all the baggage and artillery, with the household effects of a numerous train of royalists, likewise about 40,000 souls, of whom the army, with their wives, children, and attendants, consisted.

Carleton behaved with all the determination of character and strength of principle by which he was distinguished. Easy of access to all who appealed to him, he resolved that he would not leave the city until he had provided for all who desired to accompany the force. The article of the treaty set forth that the places in possession should be "given over with all convenient speed." Congress expressed great dissatisfaction at the delay. Carleton, however, contended

that he was sole judge when the abandonment should take place, and with this explanation he pledged himself that it should be made fully, and at as early a date as possible. To the remonstrance of the home ministry, Carleton declared that he had not shipping to carry off the loyalists, and that he would not abandon them.

The British empire owes to the memory of Sir Guy Carleton, lord Dorchester, that it be placed on unmistakable record, that it was owing to his firmness on this point, no stain remains on the national escutcheon. Some objection has been made by loyalist families of New York that he failed to insist on the payment of debts due by men in good circumstances to the loyalists who were forced by legislation to leave the country, for if they had remained it would have been at the risk of their lives. It is not easy to see how he could have intervened, more especially as a clause in the treaty made full provision for the recovery of such debts. Any interference on Carleton's part would have been as inexpedient as it was impossible.

The loyalists were early made to feel the savage treatment they would receive. In April, 1784, after the treaty, and in direct violation of its conditions, the New York legislature passed an "act for the immediate sale of certain forfeited estates," enacting that they were to be paid for only in silver and gold. On the 12th of May another act was passed, which after recapitulating every possible mode in which a loyalist could have taken part in the war, enacted, that all such found within the states should be adjudged guilty of misprision of high treason.

Further, it enacted that all such were forever ineligible as voters, and disqualified from enjoying any legislative, judicial, or executive office. The same penalty was directed against all those who remained in New York during its possession by the British, or had joined or remained in their homes after the occupation of any place by the royal troops. The design of this legislation was purely political; it was considered by this proceeding that all moderate men would

be disfranchised, and thus an assurance was furnished of a continuance of power to those who were in possession of it.

Another act was passed on the 12th of May, 1784, for the speedy sale of confiscated property. As all the vindictive laws passed during the war remained unrepealed, it was made impossible for a loyalist to claim his property without serious risk. It was the effort of those interested in retaining possession of these estates to make all attempt at their reclamation as difficult as possible.

At the beginning of the war, the great error was made in the description of its character by the opponents in the house of commons of the extreme royal pretensions. It was represented that there was perfect unanimity in the resistance to imperial rule, and what, under the circumstances, might be called the justifiable determination to affirm and establish the authority of the government was called an attempt to conquer America. The temper of the early agitators was misunderstood and a false character assigned to it. They were active, bold, and aggressive, while the governors were without the military strength to restrain their violence and denied the means of making any active assertion of the power they themselves possessed. Had they acted with vigour, the probability is that they would have been assailed in the house of commons by the opposition, committed to sustain the colonist; with no hope of being supported by the ministry. Matters were permitted to drift on their course, and, as the revolutionary party was organized and urged onward by its leaders to terrorize all who were opposed to them, who, although strong in numbers, were disunited and without direction, the movement grew rapidly to the extraordinary power it attained. It may be safely asserted, that so strong was the desire for a continuance of the union with the mother country on the part of a large body of the population, that, at an early stage of the dispute had vigour and judgment been shewn, and a proper organization of this loyal feeling maintained, no remarkable exertion would have been required to suppress

the extreme party. As a class they did not command confidence generally; many were even regarded with disfavour by those who entertained their opinions.

In Massachusetts there was a large loyal population, and associations were formed in many of the counties. When Howe abandoned Boston—the first blunder of the war—a large number of the population accompanied him to Nova Scotia. It is estimated that as many as 2,000 left, several of whom found their way to England. The anger called forth by the persevering conduct of the royalists is a proof of their strength. They were feared from their numbers and the determination shewn by them to support the royal cause. Resentment is not expressed against weakness and irresolution. Washington wrote to his brother,* "one or two have done what a great number ought to have done long ago, committed suicide. By all accounts, there never existed a more miserable set of beings than those wretched creatures now are." Had Washington's career been closed at this date, and had not the succeeding years of his life redeemed by his illustrious career the disgrace of this letter, he would hold a different place in history from that now assigned to him. When we consider his subsequent seven years of fortitude, patriotism, and devotion to duty, the only explanation that such a letter should have been written by him is the extraordinary strength of feeling that called it forth.

Connecticut had a large number of adherents of the crown. In Maine the lumberers were discontented with the forest regulations regarding unconceded lands, which reserved trees of a certain girth for masts for the navy. Those who relate the fact ought to state the long number of years that the commerce of the old provinces had been protected by the British navy without tax or charge. In New Hampshire the majority were adherents of congress. New York was the loyalist's stronghold. Pennsylvania was possibly equally divided. Virginia had a majority opposed to separation. North and South Carolina furnished many loyalist corps.

* [31st March, 1776.]

Georgia was almost entirely loyal. United States writers at this day assert that more men were raised for the provincial corps than were in the armies of congress.

It cannot be pretended that there were no grounds for dissatisfaction in the colonial system. There were very many. But they were not acts of tyranny. False principles of government had grown into practice, and it required but time for them to be better understood and changed or modified. The character of those who abandoned the United States to remain British, or who were driven out of the country from being known to entertain this sentiment, is a guarantee that the rule of the home government was not universally regarded as arbitrary and depressing. No few were men of great attainments and unblemished integrity, possessing those qualities of manhood which enforce respect. Mention of them is made in the tone of continual apology that they should have thought as they did. So long as the French wars exposed the provinces to invasion, the British soldier was welcomed as necessary for their defence. Nevertheless, little sacrifice was made to maintain him, and the British taxpayer was regarded as the legitimate source from which money should be found to sustain the contest and to purchase the provisions for the troops in the field. In modern times, when the causes of the revolution are examined, the presence of a British garrison in any of the cities of the old provinces is represented as an act of tyranny; the British force is constantly described as sent over to crush the liberties of the country, and when allusion is made to it, it is adduced as an outward and visible sign of oppression on the part of the mother country. Undoubtedly much that was reprehensible demanded modification; and the wants of the colonies called for more consideration than they received. It was this sentiment strongly entertained which, with a great mass of the population, led to the acceptance of the proposition for the assembling of a congress in which these grievances should be discussed and the remedy for them proposed. Many gave their votes to a representative

in this spirit, in no way conceiving that this countenance of the proposition would be perverted to demand separation from the mother country.

One cause of offence has been advanced, that royal governors and officials abandoned their position and left the country to anarchy. Personal persecution drove them from the posts held by them. Their lives were unsafe and there was no means of organizing a force for their protection. The active members of the mob, advocating the cause of congress, stopped short at no act of violence. The incompetence of Gage, even when sustained by a large force, went no further than a war of words. He proclaimed that all who should shew countenance to and hold correspondence with the insurgents should be held as rebels. The Massachusetts legislature, from which every moderate man had been driven, declared that all who supported the measures of the governor were guilty of high treason against their authority. Except with a peculiarly constituted mind, neutrality had become impossible, and all the vigour that was shewn was on the side of rebellion. Its organizers knew that their own salvation lay in permitting no hesitation on the part of any they distrusted. The persecution, carried on by them against all not upon their side, was simply the policy which they conceived the desperate condition of their circumstances dictated. The recollection of this tyranny rankled through three generations of U. E. loyalists, and has not entirely passed away. The great effort was directed to the prevention of all organization on the part of the loyalists, so that the force represented by them would be scattered, broken, and powerless. The so-called patriotic feeling demanded the artificial encouragement of constant stimulation, and the persecution of a supposed loyalist was a ready means of extending it. On the other hand, loyalty to the home connection was a living principle of conduct never extinct; when it wavered in its sentiment from the influences to which it was subjected, it had reached the first step of soon ceasing to be more than a reminiscence.

We may still read the diatribes on the misgovernment and wrong endured by the virtuous colonist from the mother country. But even during the excitement arising from the stamp act, it was the intervention of the mother country which saved the west of Pennsylvania from the terrors of an Indian war. The achievement was recognized at the time. The services of Bouquet at the hard fought battle of Edgehill in 1763, which lasted two days, and his march to the forks of the Muskingham in 1764, by which the whole Ohio territory was brought under the control of the white man, received the thanks of the senate of Pennsylvania in the memorable words which should be placed on his monument, if one ever be erected to his memory.* In those days it was a matter of life and death to the colonists that the British navy should protect their commerce, and British troops undertake the conquest of Canada. However much we may read of this indignant feeling, the truth is really laid down in a formula by a prominent United States writer "that the patriots had resolved to have a country of their own, free from foreign masters." †

Shortly before this declaration of independence, congress recommended that no "Tory," or anyone unfriendly to the cause, should be injured in person or property. The injunction was answered by the self-election of committees, including the most prominent agitators, who dictated the

* Although a century and a quarter has elapsed since this event, it would yet be an act of duty and justice to raise a monument to Bouquet within the cathedral of St. Paul's, that masterpiece of Wren's genius. The words of recorded thankfulness, the last of that character uttered in the old provinces are: "Those eminent services and your constant attention to the civil rights of his majesty's subjects demand, sir, this grateful tribute of thanks from all good men; and, therefore, we, the representatives of the freemen of Pennsylvania unanimously for ourselves, and in behalf of all the people of this province, do return you our most sincere and hearty thanks." If the memories of illustrious men of the modern United States are preserved with marks of honour and respect in our national edifices, surely the great services rendered the state in former times, which have passed out of mind, should likewise be remembered and perpetuated. [Ante., Vol. V., p. 108.]

† [Dr. George E. Ellis. Justin Winsor's Narrative and Critical History of America. Vol. VII., p. 197.]

treatment of men supposed to be loyalists. The names of those suspected of attachment to the mother country were submitted to secret inquiry, and the destruction of their property followed ; personally they were subjected to every indignity, even to the loss of life. There is no record of the authorities having extended redress to a single individual. Even the signature to a loyal address, at an early stage of the quarrel, was considered as a crime committed against congress.

When the evacuation of Boston was perpetrated, a few weakly armed privateers having been permitted by the incapable admiral to defy the British fleet, the loyalists who sailed with Howe's force, and who abandoned their property and possessions, were actuated by the feeling that it was the only course by which they could escape the vengeance of the supporters of congress. Massachussetts confiscated the property of all conceived to be loyalists. In 1778 an act was passed forbidding, under the pain of death, the return of any who then left the province. Three thousand loyalists accompanied Clinton on the abandonment of Philadelphia to avoid the rigourous persecution they knew would be their fate. Even as early as 1775, congress passed a vote, recommending the provincial assemblies to imprison every person who, it was thought, might endanger the liberties of America.

The attempt has been made to shew that the clauses protecting the loyalists admitted into the treaty were never intended to be kept, and that they were introduced as a matter of expediency to save the character of the British ministry. One difficulty could not but have been foreseen, that all those who had obtained at a nominal price the confiscated estates would resort to every art to make restitution impossible. As those engaged in smuggling in Boston were among the most violent vituperators of the new commercial regulations which had formed the early subjects of dispute, so the holders of the confiscated estates were the most blatant in opposing the return of the loyalist. The unfortunate choice of the incapable British negotiators in the treaty of

1783, who had to deal with the cunning and duplicity of Franklin, may explain that they were overreached by that astute personage, but it does not establish that the articles were a mere matter of form.* The whole treaty constitutes a lesson for all the outer provinces of the empire, enforcing the necessity of guarding in the future that their interests be not sacrificed to the political exigencies of a British ministry, and the too often experienced want of wisdom of the colonial office. We have at least the satisfaction of knowing no such puerile folly could be again permitted.

What took place on the debate of the treaty cannot be adduced as any genuine expression of feeling. In many instances the opinions expressed were dictated by the intention of embarrassing the ministry. The peace had brought no credit to the country, however much it had been desired, and it was conceived to be a point on which the administration could be assailed. Burke made the extraordinary statement that the loyalists had been deluded by England, and so had risked everything in her behalf. It was but a continuation of his sympathy with the cause of the United States, a cause which had been strengthened as much by his utterances as by any other influence, if we put out of sight the want of judgment of the British ministers, especially Germain, and the incompetent generals placed in command. What is certain, however, is that the surrender of the

* Shortly after his arrival in England as ambassador from the United States, John Adams, in 1786, demanded the surrender of the western posts, in accordance with the treaty. The reply received by him was, that, contrary to its express provisions, difficulties had been created in several of the states to prevent the collection of debts due in Great Britain, contracted previous to the revolutionary war: moreover, that the loyalists were receiving no satisfaction with regard to their confiscated property. Until these difficulties were removed the posts would not be surrendered. No minister had been sent to the United States: a departure from courtesy, attributable to the dissatisfaction felt in England at the mode in which the conditions were being carried out. Further, Pitt, then first minister, declined to enter into any treaty arrangements, with the United States, for the regulation of commerce.

With these facts to guide us, it seems inexplicable, that the assertion should be made that the claims were never intended to be observed.

western forts was withheld by the British government on the ground that the clauses assuring the payment of just debts, and those affecting the royalists, had not been carried out, a fact which establishes that the conditions were not accepted as a dead letter.

Several loyalists had found refuge in London, and from time to time sums had been paid to them. On the change of ministry in 1782 an examination had been made of such payments, by which it was known that £40,280 had been paid to 315 recipients. The matter was referred to a commissioner, when it was found that twenty-five were dead or made no claim, that some received too much, some too little, and the lists were revised. The cases of 428 were considered, and the total amount granted was £43,245.

There was one clause of the treaty sufficiently plain: that there should be no further confiscations, or prosecutions, and that no one should for the future suffer loss or damage. This is no mere engagement to make a recommendation as a matter of form. It is a positive stipulation that could not be avoided without an abandonment of honour and fair dealing. It is at least plain from its conditions, that those whose estates had not been confiscated had the right to expect the restoration of them, a result which those interested in obtaining them were determined to resist.

When parliament met in 1783, the speech from the throne brought prominently before the house the condition of the loyalists.* The appointment of commissioners to inquire into their case followed. The time for receiving the claims was closed on the 25th of March, 1784. The bill was passed at the end of June. Notwithstanding the urgent circumstances under which the committee had been appointed, there was no meeting of the commissioners until September, and it is not a pleasant fact to record. The investigations were carried on from year to year until 1788. During this inexcusable

* "I trust you will agree with me that a due and generous attention ought to be shewn to those who have relinquished their properties or their possessions from motives of loyalty to me, or attachment to the mother country."

delay bitter disappointment and suffering were felt on the part of those interested, and this culpable dilatoriness on the side of the commissioners is a painful passage in the history of these times, for, admitting that great difficulty in the adjustment of these claims presented itself, five years taken to the consideration of them was an unwarrantable period. The loyalists felt the delay acutely; petition upon petition was sent to parliament, and pamphlets were published to appeal to public opinion for the enforcement of immediate settlement.*

Such was the endeavour of the imperial government to relieve the sufferings of those who had lost all in her cause. The great ground of complaint is that it was not put forth more energetically and rapidly. As we read the clauses of the treaty affecting the loyalists, and the proceedings which followed in the United States to stay the enforcement of them, the words of Livy must rise to our minds, "*nimis callidi exsolvendi jurisjurandi interpretres.*" †

In Canada, from the beginning of the contest, the loyalists who sought refuge in the province were cared for and tended. As early as 1778 many had arrived and were sent to Machiche, on the north of lake Saint Peter, where rations were furnished to 192 souls. In 1779 the numbers had increased to 853, distributed, at St. John's 209; Chambly, 27; Montreal, 208; Point Claire, 126; Machiche, 196; Sorel and Nouvelle Beauce, 87. The provincial regiments serving in Canada

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* The total number of claims submitted were....		3,225
Of this number disallowed.....	343	
" " withdrawn.....	38	
" " not prosecuted..... ...	553	
		934
Claims examined		2,291

The total amount originally claimed was ..	£10,358,413	=$50,410,941
Reduced amount of claims to be adjudicated	8,216,126	= 39,985,146
On this sum was paid	3,886,087.14.5	= 18,912,294

† [Historiarum Liber, XXIV., 18. "The too ingenious interpreters of the mode of discharging a sacred obligation."]

were to some extent recruited from the royalists.* The great accession to the number of the refugees took place in 1782 and 1783, so that at the close of the year the "unincorporated loyalists" who received rations, many of them clothing and blankets, amounted to 3,204. The influence exercised by Haldimand on their arrival led to full care and forethought in all quarters being shewn to them. There is no record of indifference or neglect in any one instance. The good treatment the loyalists received at the hands of the representatives of the sovereign in Canada is a record to which we may refer with pride and satisfaction.

On the completion of the definitive treaty, orders were given for the disbandment of the several provincial regiments. Haldimand proposed with these troops to commence the settlement of the country, from the shores of lake Saint Francis. Applications had been made for grants in the neighbourhood of Missisquoi bay. Haldimand refused to entertain the request, as he held that, from its situation, there might be bad feeling between the new settlers and the inhabitants of the adjoining state. On the other hand, he regarded it to be sound policy to promote the establishment of the loyalists at cape Breton and near Detroit. Townships were therefore surveyed, commencing at river Beaudette, lake Saint Francis. Eight were made ready for settlement at this locality; five were surveyed at Cataraqui, Kingston.†

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* Sir John Johnson's	1st Battalion R. N. Y. Regiment.
" "	2nd " " "
Butler's	Rangers.
Jessop's	King's Loyal Americans.
Peter's	Queen's Loyal Rangers.
McAlpine's	Royal Americans.
Leake's	Loyal Volunteers.

† Lower Townships:

Townships 1 to 5 were settled by King's Royal Regt. of New York.

Total souls	1,462
" 6 to 8 partially by Jessop's corps. Total	495

Townships of Cataraqui:

Township 1. *Grass' party	187

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* Ryerson relates a story [Loyalists of America II., p. 187], which is

The Rangers established themselves in the bay of Quinté near the Mohawks. The whole consisting of 1,568 men, 626 women, 1,492 children, 90 servants, making a total of 3,776 ;

Township 2.	Jessop's corps	34
" 3.	By the 2nd Batt. King's Royal Regt. of New York	310
" 3 and 4.	Major Rogers	299
" 4.	Major Van Alstine	258
" 5.	Different detachments disbanded regular regiments	259
" 5.	Baron Reitzenstein and garrison troops	44

[Can. Arch., B. 168, p. 42.] The return is signed by Sir John Johnson.

certainly unsustained by fact, that captain Grass, whose name is mentioned in the settlement of the No. 1 township of Cataraqui, was the cause of Carleton sending a party of loyalists from New York to this locality. It is asserted that Grass had been a prisoner at Frontenac [Kingston], and Carleton hearing the fact wished to inquire of him "what sort of country Upper Canada was, and whether people could live there." Frontenac, the fort, was taken by Bradstreet in 1758, a quarter of a century previously ; Carleton himself had been with Wolfe in 1760 and had been governor of Canada from 1768 to 1778. He was in correspondence with Haldimand, and if he required such information, a fact ridiculous to suppose, he could have received it officially and fully from the proper source. Some loyalists undoubtedly arrived in Canada from New York in 1783 [Can. Arch. B, 166, p. 156.] In the list of those quartered at Kingston there is a record of captain Grass' company, one lieutenant and sixteen men. [B. 126, p. 92.] There is a letter from Matthews to Delancey, 15th April, 1784 [B. 63, p. 212], by which it is plain some pretensions of the kind were advanced. Mathews writes : "His excellency is much displeased with the last part of Mr. Grass' letter, where he assumes to himself and party the title of proprietor of the land in question, and says that they first found out and planned the settlements, &c., encouraged by Sir Guy Carleton's good wishes. The sentiments are as expressive of ignorance as presumption, for it is well known that that part and the neighbouring county was intended and in forwardness for the reception of the loyalists who had served during the war in this province, and who are entitled to any preference, were such to be given, to persons who came into the province with Mr. Grass."

The name of Grass is also met in an answer to a memorial from him, in which he is told that the stocking of farms is utterly impossible, and that if the policy of the government of Canada does not suit Mr. Grass and the others, a passage will be found them to Nova Scotia. Subsequently he made a charge against Mr. Peter Van Alstine, who appears to have been placed in charge of the loyalists from New York. The matter was accommodated by captain Barnes, the officer placed in charge by Haldimand. Mathews wrote to de Lancey to try to get the misunderstanding settled, but that Grass and his associates were to get no special privileges ; the most of them who came into the province were mechanics who removed from one place to practice their trade in another, and that they would have to draw lots with other loyalists.

630 families, consisting of 3,150 souls, elected to proceed to cape Breton.

The total number reported in October, 1784, as settling in the townships above named, at Lachine, in and about Montreal, Chambly and Saint John's and at the bay of Chaleurs is 5,628.

We have here the commencement of the foundation of the province of Ontario in 1784. At the early stage of settlement the emigration from the United States did not increase with rapidity. The incorporated refugees in 1783 amounted to 3,204; at the close of 1786 they were numbered at 4,487.* This hesitation in seeking a home in Canada arose from the belief that the government was purely military, and the loyalists of the United States were unwilling to be subjected to this control. When it was known that a constitutional government was established, large numbers carried out the desire so ardently felt by them, to live under the British flag. There were among them the better educated of the population, who could justly be counted among the best part of the community to which they belonged. Many of the new settlers came in by lake Champlain, and ascended the Saint Lawrence in open boats, bivouacking at night, continuing their journey by day. Many found their way to Oswego; at an early date schooners plied between Oswego and Kingston to the east and other ports. As a rule, those who subsequently joined the settlement took the open boats, and followed the south side of the lake to Niagara. Many even arrived, who had travelled by waggons from north Carolina to the mouth of the Genesee river. Beyond this spot there was no road. The majority of the new settlers ascended the Saint Lawrence, with numerous accessions, as has been said, from Oswego and the mouth of the Genesee.

At that date the seat of the fur trade was Queenston, seven miles above Niagara. It was here, that the goods for

* [Can. Arch., B. 166, p. 153. Ib., pp. 197–251. This return gives the name and place of every refugee, and is continued over 54 MS. pages.]

the west were carried across the portage to reach lake Erie, and the furs brought to the river to descend the Saint Lawrence. The upper landing place was Chippeway creek, the present Welland river; settlement consequently clustered round these points. A road was shortly cut to the Grand river, which it crossed about fifty miles above the entrance to lake Erie, and was subsequently continued to the river La Tranche, to which the name of the Thames was afterwards given.

Early in the settlement of the country, Hamilton attracted attention. In 1794 it is described as a small town between Newark and York. York, the modern Toronto, was early the scene of some enterprise, for a road was cut to lake Simcoe, on which one hundred German families commenced settlement.*

We have a precise statement of the loyalists who took refuge in Nova Scotia, shewing the localities where they were established. They were mustered between the latter end of May and the end of July, 1784, in order to ascertain the number entitled to the rations which were granted to them. The precise localities are even named. The total number was 28,347 souls. Of this number 202 reached the island of Saint John's, afterwards Prince Edward Island. While the refugees were generally scattered over the country, 4,131 found their way to the river Saint John (New Brunswick), 3,401 remained at Shelburne. These arrivals, to some extent, took place after the peace, a fact in itself to establish the little hope of ease and quiet which presented itself in the new United States. They arrived late in the season of 1783. There was difficulty in early assigning the land, the main cause being "the want of foresight and wisdom to make necessary arrangements and steadiness to carry them into execution." There was likewise a want of surveyors, and there had been irregularities and delay in laying out the lots.

* "A letter descriptive of the different settlements in the province of New York, London, 1795." It is written in the form of letters from New York. The writer claims that he had access to the notes of the surveyor-general, afterwards Sir David Smith. The work conveys the impression that it was officially compiled.

Thus, unnecessary suffering was caused to the refugees, and great additional expense to the government in finding them food to save them from perishing. As colonel Morse, who made the examination, pithily puts it, "They have no other country to go to, no other asylum."

Within ten years of the date of the first settlement, 1784, the population steadily increased. I cannot pretend to form with accuracy an estimate of the extent of emigration from the United States in the first years succeeding the peace, when it took the form of a national sentiment. Some modern United States writers place it at 100,000 at this date. I cannot find evidence of this fact. The loyalists were of two classes, those who served in the regiments which were ranked on the Canada staff, and those who are described as unincorporated. We have a return of the first settlement on the Saint Lawrence, made about 1786, for it is not dated, which describes the total, exclusive of those quartered at Quebec, 4,487. We may approximately compute the total as follows:

Settlement on the Saint Lawrence, as found in state	4,487
Refugees reported by colonel Morse in Nova Scotia, including the river Saint John, New Brunswick, and Prince Edward Island	28,347
Cape Breton, 630 families	3,150
Total number given as being settled about Montreal, Chambly, Saint John's and the bay of Chaleurs	5,628
	41,612
Some few found their way to the old country and Newfoundland. I do not conceive that they would have exceeded	1,000

* "A general description of the Province of Nova Scotia" by Lt.-col. Morse, chief engineer in America, "upon a tour in the autumn of the year 1783, and the summer of 1784 under the orders of Sir Guy Carleton, New York, 28th of July, 1783." [This report is given in full in Can. Arch. report for 1884, pp. xxvii–xli.] The following numbers are given:

Men		12,383
Women		5,486
Children above 10	4,671	
" under 10	4,575	
		9,246
Servants		1,232
Total		28,347

The entire population of Nova Scotia at this date was 42,747.

With these figures as a guide I cannot see ground for belief that the first movement of the loyalists exceeded 45,000. In the succeeding twenty years the population greatly increased. In 1806 it amounted to between 70,000 and 80,000. It is plain that this increase is principally attributable to emigration, the greater part of which came from the United States. Many entering Canada were doubtless actuated by the desire of bettering their condition, from the conviction that the lately established province of Upper Canada offered an advantageous field for industry and enterprise. With the full recognition of this view, it must be stated that large numbers were led to rejoin those with whom they sympathised, who represented the opinions and hopes that they so ardently entertained, and had so earnestly cherished, to be, as it were, foredoomed to failure. This emigration to the province greatly increased after the promulgation of the constitution in 1793, in accordance with the act of 1791. Until that date, it was supposed that Canada would be arbitrarily governed, a feeling which had a deterrent effect upon many, in seeking a home on the Saint Lawrence, however strong the desire to follow a career elsewhere than in the United States.

The term U. E. loyalist owes its origin to the order in council of the 9th of November, 1789. In May, 1790, in consequence of instructions having been sent from London to restrain the grants of land, Dorchester forwarded to Grenville the regulations that had been established, and the equitable claims on which the land had been granted. The principle followed was to assure a speedy settlement of the country with desirable subjects, reserving one-seventh for future use, and it was held that to increase such reservation would be inexpedient.

The order in council above named established, that the daughters as well as the sons of loyalists should in each case, receive a grant of 200 acres; the sons on attaining full age, the daughters on their marriage, and that in all records their names were to be discriminated from those of future settlers.

All loyalists who had joined the cause of Great Britain before the treaty of the separation in 1783, and their children of both sexes, were to be distinguished by the letters "U. E.," by these means preserving the memory of their devotion to an "United Empire."

This distinction is reverently treasured up to this day by those embraced within its provisions. There is no prouder thought in the dominion than that cherished by the descendants of the men of those days, who sacrificed everything for the preservation of the empire; who lost country, home, wealth, all that can give grace and charm to life, to remain true to their sentiment and convictions in their devotion to the British empire.

It can easily be conceived that circumstances favoured the perpetuation of the distinction. As new settlers came in to the townships in the ordinary form of emigration, the term grew into use to distinguish the families of the first settlers and those that succeeded them. Thus the title became current, and the fact that a family had the right to be called U. E. loyalists became, as it is continued to the hour at which I am writing, a badge of honour and dignity, treasured by all who then enjoyed it, as it is now proudly clung to by their descendants.*

* Minutes of Council, 9th Nov., 1789. [Can. Arch., Q. 44.1, p. 224.]

CHAPTER VI

The close of the war had not given rise to perfect content in Canada. Peace was welcomed, as it ever must be, after the years of effort and sacrifice which war imposes, with the interruption of industry and the blight of enterprise. But the war had been so unfortunate as greatly to damage the prestige of Great Britain in the province. Burgoyne's surrender had furnished a painful passage in Canadian history; and again, at the end of four years, a second British army had become prisoners of war at Yorktown. The mass of the population began to think slightingly of British power, and the opinion was entertained that if France had insisted upon the point Canada would have been restored to her. We now know that such a contingency was utterly impossible. The United States in no way desired the establishment of France as a northern neighbour, and the feeling was strong that if Canada could not be added to the Union it was preferable in the interest of the new nationality that the province should remain British.

Within the province itself, French feeling had been so strongly appealed to that with large numbers the sentimental desire of once more becoming French had been powerfully awakened. There was no longing to be incorporated with congress. On the contrary, British rule in this respect was unhesitatingly preferred in the same spirit as the United States desired that men of their blood and religion should control the government of their northern neighbours. The higher orders of the Canadians, for the most part, shewed by their conduct and loyalty that their sympathies were unchanged. Their last wish was to revert to the depressing rule of former days of an arbitrary intendant, and the iron grasp of an authority under which liberty was unknown.

Generally the dignitaries of the church and the ablest of the parochial clergy felt no desire to re-establish the government of France, when the Canadian-born priest rose little above the simplest condition of his *état.*

The extent and strength of this sentiment are explicable by the circumstance that the country parishes had continued to be inhabited by French Canadians only. When an English-speaking person found his way in that direction he married a French Canadian wife, and the offspring, except in name, differed in no way from the other children who were their playmates. In every respect they became French Canadian. The English-speaking people, who in the period succeeding the conquest had established themselves in the three cities, were limited in number. By their energy and enterprise they had attained a position in excess of their real strength. Men of the British race in such a situation are not generally to be cited for their forbearance and amiability, and there is little reason to suppose that the British population, at the close of the war, can be mentioned as an exception. Owing to the misconception concerning the climate of Canada, scarcely any emigration had reached the province from the mother country. The majority of those who had found their way to Canada had, in the first instance, passed northward from New England, while subsequently many had arrived from Nova Scotia.

Independently of the change of feeling entertained by a large number of the population, traceable to the reverses which had closed the war with the loss of the southern provinces, there were not wanting abettors to magnify the impotence of the efforts made by Great Britain, as a proof she no longer retained her ancient power. Another event caused great distrust, and public feeling was ripe to form the most sinister views of the arrival of the large number of loyalists, and the settlement of them in the province. The new townships established on the Saint Lawrence created an uneasy feeling that the new comers would interfere with the observance of the religion, so inseparable a part

of French Canadian life, and thus introduce a contrariety of belief and sentiment. At the same time, there was difficulty in obtaining properly educated priests to the extent required to supply the deficiency. The Montreal seminary was desirous of procuring ecclesiastics from the parent seminary of Saint Sulpice at Paris. The government objected to this proceeding. Many of the French ecclesiastics had caused mischief in the province by their intriguing spirit, and the executive, in objecting to their presence, had proposed that priests should be obtained from Savoy, who could perform the offices of religion free from all political bias. It came to the notice of the government that French priests had arrived in a secular dress, and had been permitted by the bishop to proceed to Montreal; moreover, that Montgolfier, the head of the seminary, had received them, and no report was made to the government of their arrival. Montgolfier, then old and infirm, had fallen under the influence of the jesuits, one of whom was his confessor. The jesuits were few in number, all of them old, and in the late troubles had been the only order of regular priests who had shewn any attachment to the cause of congress. The bishop, on the contrary, had testified great attachment to the British cause; nevertheless, in this case he had permitted the priests to proceed to Montreal.

Montgolfier felt a strong desire that the French Sulpicians should be permitted to remain, and he offered his assurance that they should not wear the clerical dress. They had, however, preached, and had carried their auditory with them when they announced a further supply of labourers in the vineyard of the Lord from Saint Sulpice. The government resolved that no French priest should exercise his religious function in Canada, and Haldimand sent his aide-de-camp, major Brehm, to conduct the two ecclesiastics in question as citizens to Quebec.

The order, in itself unacceptable to the inhabitants of Montreal, furnished the cause of some agitation. A public meeting was called; and how impossible such a proceeding

would have been under the French *régime* everyone present must have felt. At this meeting Messrs. Meriers and Adhémar were deputed to proceed to Quebec to wait upon the governor and ask his countenance for the retention of the ecclesiastics. In order to carry his point, Meriers sent circulars to the captains of militia, at that date the medium by which public communications were made known. They were called upon to appeal to their parishes to sustain the application. The proceeding attracted the attention of the government. The circular was recalled, and instructions given to captains of militia to attend to no orders but such as were issued by their own superior officers.

Mr. Brassier, the *homme d'affaires* of the seminary, accompanied the deputation. He did not fail to dwell upon the dissatisfaction which would be felt by the old subjects from this interference with their religion. He argued that if the province had been ceded to congress the permission to introduce French priests would have been granted. Haldimand replied that his objection was not to the introduction of ministers of religion, but of men who were political incendiaries; he desired to save the seminary and the citizens of Montreal from following a course hurtful to themselves. Sicard, one of the priests, was sent to Malbaie, where he performed mass and prevailed on some of the inhabitants to aid in his escape. Haldimand sent his aide-de-camp, St. Ours, to Montgolfier, who caused Sicard to return. The two priests, in June, 1783,* were sent back to England by the "Bull-dog."

The consequence was that Adhémar and de Lisle proceeded to England, the bearers of a request that permission be given for priests to be admitted from Saint Sulpice. The proposition was in no way entertained. There was, however, no desire to interfere with any religious duty, for leave was given to engage any number of ecclesiastics from any country unconnected with the house of Bourbon. Arrangements were

* [Can. Arch., B. 56, p. 80.]

accordingly made for four priests to proceed from Savoy to Canada. The attempt, however, to obtain the priests from Saint Sulpice was continued, even to receiving them surreptitiously; and as a justification of this course the seminary complained that the Canadian priests were indifferently educated, and negligent in the performance of their duties.*

After Haldimand's departure the seminary of Montreal, in August, 1785, addressed another petition to lord Sydney, praying for liberty to obtain ecclesiastics from the seminary in Paris for service in Canada.

In March, Haldimand met the legislative council; it was the last occasion of his doing so. He stated that he had received no official information of the treaty of peace. Expressing his regret that the situation in which the province had been placed had not permitted the recommendation of an ordinance for the better security of personal liberty, he now submitted the consideration of such a law. He had at no time lost sight of it, as being an essential principle in a free government. At the same time he submitted to the council the necessity of a registry law, and also the consideration of official fees, which it was desirable should be made as moderate as possible. He alluded to the malady which had its origin in Saint Paul's bay, stating that the number infected in the province had not been so great as had been supposed.

The *habeas corpus* was the subject of much discussion owing to the right it was supposed to exercise over such as had embraced a conventual life. It was early introduced into the council, and several amendments were moved, to assure that its provisions were in accordance with the common and statute law of England. The desire was expressed that all his majesty's subjects should be included within the ordinance; that the law, as it had been interpreted in England since the revolution of 1688, should be the rule to decide every case

* Affidavit I. F. Cugnet, 30th Oct., 1784. [Can. Arch., B. 75.2, p. 232.] "Les prêtres Canadiens étoient pour la plus part trop ignorants ou trop négligents pour en y admettre."

unprovided for. As the discussion was taking the form that no exception to its operation would be admitted, La Corne de Saint Luc moved, that no judge's writ should apply to any who had taken religious vows.

This vote was agreed to with the addition of a provision moved by Mabane, that nothing contained in the ordinance should alter the law as it then stood. The vote was unanimously passed, but six days later the subject came up by a motion being made, that, as those bound by religious vows were unwilling, special mention should be made of them in the act, and the clause be excised. The vote was carried in the affirmative by nine to eight. *

The reply to the address was given on the 29th of April, the close of the session. After the expression of thanks for the protection which the province had received from the mother country, it concluded with a strong recommendation for the continuance of the act of 1774.

The news of the definite treaty of peace reached Canada on the 18th of September, having been sent from London on the 6th of August. An attempt was made during the meetings of the council of this year to make them open to the public. On the 7th of April the door-keeper announced that some gentlemen requested permission to enter and hear the debates. On the question being put if permission should be granted, it was negatived by fifteen to one. At the next meeting the lieutenant-governor Hamilton explained that he had voted

* M. de Saint Luc's motion finally ran: "Pour toujours que rien dans cette ordonnance ne s'étendre, et ne pourra s'étendre à autoriser à accorder une ordre *d'habeas corpus* sur la plainte ou demande de qui ce peut être qui auront pris ces vœux dans aucune des maisons religieuses en cette province." Upon which M. Mabane moved, the following day, the 16th April: "Provided always, that nothing in this ordinance contained shall extend, or be constructed to extend to alter the law in any respect, from what it is at present, with regard to the persons who have taken the vows in the convents of this province."

The clause was incorporated in this form into the ordinance, but on the 22nd Mr. Levêsque moved: "Pour répondre aux désirs et la répugnance qu'ont les communautés de religieux et religieuses de cette province à ce qu'il soit mention d'eux dans l'acte *d'habeas corpus* suivant qu'ils l'ont fait connaître hier au conseil par leurs représentatives par écrit daté 19th courant, en conséquence je demande que l'article qui les concerne soit supprimé et biffé." [Can. Arch., Q. 23, p. 246.]

in the negative, as no rules had been framed to meet the occasion. He would now move, that on the president taking the chair the doors should be thrown open, and that owing to the limited space of the chamber, each member should have the right of admitting two persons to be seated in the place allotted to them, and that the room could be cleared at any time when held to be expedient. During the day ten of the leading residents of Quebec attended with the request to be admitted. The application being put to the vote was negatived thirteen to four. On this resolution being made known to those interested, they desired to be informed if they could be admitted on a future occasion. The reply made was that the record of the vote should be communicated to them. To this view the lieutenant-governor and Finlay objected.*

Early in 1784 chevalier de Luzerne, who, in September, 1779, had succeeded Gérard as minister from France, on the ground that there was danger in proceeding by the valley of the Mohawk, applied to Haldimand for permission to ascend the Saint Lawrence in order to visit the falls of Niagara. The letter was written with studied courtesy, and went to the extent of asking Haldimand's opinion on the subject. It was certainly not desirable to furnish an opportunity to an acute observer of obtaining correct information regarding Canada, especially under the circumstances that the British government were withholding the cession of the forts. Haldimand accordingly replied, that owing to the strong dissatisfaction felt by the Indians relative to the terms of the peace, it was not easy to soften their resentment against the United States, and that the route either by the Mohawk or by the Saint Lawrence might be attended with disagreeable consequences; therefore, he must forego the pleasure of making the chevalier's acquaintance. M. de Luzerne shortly afterwards returned to France.†

* [Can. Arch., Q. 23, p. 228.]

† The letter of de Luzerne is dated the 22nd of February. Haldimand's reply the 12th of April. [Can. Arch., Q. 23, pp. 149–150.]

In October of this year M. Saint Luc de La Corne died. His career had been noteworthy. He had taken part against the British in the French wars and had been present in de Lévis' attempt to retake Quebec in April, 1760. He had afterwards served in Burgoyne's expedition. At the time of his death he was legislative councillor. René Amable de Boucherville was recommended for the vacancy.

There is a letter from Finlay, the postmaster-general, at the close of 1784, written to Nepean, then under secretary of state, giving some information regarding the province. His position furnished him with opportunities of judging the condition of public feeling. He wrote that on the part of the French Canadians there was an utter indifference regarding the house of assembly. They were without political education, and were opposed to taxation in any form. The attempt to introduce a system authorising it would have been regarded as oppression, so that an inimical feeling to the government could easily have been called forth, and a bad spirit created. In point of general education, the women in the parishes were superior to the men, owing to the schools of the *religieuses*, in which, as young girls, they learned to read, to write, and to sew. The legislative council had refused to grant juries in commercial cases, from the conviction that the attendance at court would be looked upon as a hardship, and in the condition of the people it was held that they were not qualified to enter into the intricate controversies often involved in commercial disputes. Accordingly, it was held for the public interest that the suits in which such points were involved should be decided by the judges alone. Should juries in commercial cases ever be introduced, the payment of those attending would be indispensable.*

During the summer of 1784 Haldimand received permission to return to England, accompanied by the announcement† that his administration had received the approbation of the

* [Can. Arch., Q. 23, p. 438, 4th Oct., 1784.]

† [Sydney to Haldimand, 10th of April. Can. Arch., B. 45, p. 138.]

king in the fullest manner; at the same time he was instructed to hand over the government to Hamilton. He left Canada on the 15th of November, 1784.

An incident that occurred on Haldimand's departure attracted some attention, for significance was attached to an act which in reality could only be attributed to want of thought, and to the neglect of a conventional observance. When Haldimand took his departure from Quebec, no representative either of the bishop or of the seminary was present to pay the courtesies customary on such an occasion. Owing to the proceedings which had been taken when it was proposed to introduce into the province French ecclesiastics, it was accepted as an intentional mark of disrespect. In consequence, a letter signed by colonel Hope and Mabane was addressed to the bishop, remonstrating on this want of courtesy. The matter, however, was satisfactorily explained. The superior of the seminary, M. Bedard, wrote personally to Haldimand, explaining that the bishop had instructed him to be present, but the departure had taken place before he was aware of it, there having been some misunderstanding regarding the hour. The letter was also signed by the ecclesiastics representing the seminary.*

I have in the preceding pages set forth the service rendered by Haldimand, and I have claimed for him his true place in the history of the dominion. It has been a duty with me to do so, from the persistent injustice with which his memory has been assailed. The examination of the documentary evidence fully establishes that the charge of recklessly imprisoning large numbers of the population on the mere ground that they opposed his policy is entirely without foundation. He simply placed in confinement, to restrain them from being mischievous, some few native born Frenchmen, with the humbler tools whom greed or folly

* Hope, in a letter to Haldimand of the 2nd of December, 1784, described the affair as "une bêtise négligente," adding that there was no desire "de manquer à vous ou à leur devoir." [Can. Arch., B. 75.2, p. 261.]

led to the acceptance of service with them. His position was one in every way trying. He had to communicate in London, during the greater part of his government, with the worst minister that ever held office since the days of constitutional government, at a time when, with an insufficient force, he had to assure the safety of the province. Prominent in the matters which called for judgment and care were the negotiations with Vermont, and of no less importance were the complicated issues connected with the settlement of the loyalists. The narrative I have given establishes the wisdom, the enlarged views, and the sense of honour and dignity with which these negotiations were conducted.

It is time that this unworthy depreciation should cease and that Haldimand should receive due recognition for the high qualities which distinguished him. That Canada remained a British possession in those trying days was greatly owing to his just and firm rule, and to his unwearied efforts to safeguard the province. As we are now in the position to know all the facts of his government, no excuse can be accepted for further misrepresentation regarding them. Even the writers who have assailed his political career have left his private character unchallenged. With those who love truth and desire to write with honesty, his name must ever be mentioned with respect for his unfaltering sense of duty, and for the courage, ability, and discretion which characterised its performance. His epitaph must remain, that no Canadian governor fulfilled with greater capacity the obligations of his exalted position.

The departure of Haldimand was the cause of greater activity with the English-speaking inhabitants who were asking a change in the constitution, and a petition to that effect was presented to the lieutenant-governor to be forwarded to the home authorities. Although described as the petition of the old and new subjects of the province, it contained only 658 signatures, five of which can only be considered as representing French Canadians, with six German names, evidently discharged soldiers of Riedesel's force. It must

be remembered that at this date there were 20,000 married men in Canada, so the true representative character of the petition can be fairly estimated. It demanded a free constitution, a house of assembly, a legislative assembly of not fewer than thirty members, the criminal law of England, the continuance of French law as to property, marriage, dower, and inheritance. It may be here remarked that this provision affecting property was advocated at a time when the country to the west of Montreal was being settled with U. E. loyalists, who desired to live under British laws and institutions. The practice of the commercial law of England was demanded with the *habeas corpus* act. The ordinance enacting it had been passed at the last meeting of the council; it was now asked that it should be introduced as a principle of the constitution; that in commercial cases the issue should be tried by juries, when so demanded; that sheriffs should be appointed by the assembly; that no public officer be suspended by the governor, unless by the advice of the council; that no new office should be created except with concurrence of the council. That judges should be appointed for life, holding office during good behaviour, with sufficient salaries for them to confine their functions to the administration of justice. All cause of removal to proceed from the house of assembly, which, "if an accusation were well founded, will operate a suspension." That right of appeal shall be granted to a court composed of the lord chancellor and the judges of Westminster Hall. That the taxes to defray the civil government should be imposed by the house of assembly, and all existing laws imposing taxes and duties to be repealed.

This appeal was forwarded by Hamilton to Sydney* on the 9th of January, 1785.

While thus in Montreal and Quebec the agitation for change included the continuance of French law as it affected property, marriage, and inheritance, the reverse of this view was being expressed by the new settlers on the Saint

* [Can. Arch., Q. 24.1, p. 232.]

Lawrence. Their petition, signed by the commanding officers of the disbanded regiments, was presented in London on the 11th of April. It repsesented the harsh features of the land tenure according to French law, and praying that the country west of the river Beaudette should be incorporated into a separate district, the capital of which should be Cataraqui, the present Kingston, with "the blessings of British laws, and of British government, and an exemption from French tenures." *

This petition must be viewed with greater interest, when it is regarded as the first step taken towards the creation of the present province of Ontario.

Little attention has hitherto been given to the interval between the departure of Haldimand and the division of the province into Upper and Lower Canada in 1792. Nevertheless, those eight years furnish a period of much political excitement, and cannot be passed over unnoticed. One circumstance has remained unexplained, the summary recall of Hamilton, after a few months of administration of the government. There were, indeed, three lieutenant-governors who held office in the period. In Hope's case the explanation is that he died in Quebec in 1789, and was replaced the following year by Sir Alured Clark. Henry Hamilton,† who assumed the government in 1785, has been mentioned in the narrative of the unfortunate expedition to Vincennes in 1779, when, from the failure of the attempt, he suffered a long and trying imprisonment, only to reach England in June, 1781. During this year Cramahé, at the time lieutenant-governor, ‡ was in London, and Haldimand wrote to Germain that Caldwell had applied for the office, for which he was a fit person. He, however, suggested Hamilton, from his knowledge of the country and the people, and the sufferings he had undergone: an impartial recommendation, as Haldimand knew Caldwell personally, and had but slight

* [Can. Arch., Q. 24.1, p. 76.]

† [Ante., Vol. VI., pp. 503-517.]

‡ [Can. Arch., Q. 18, p. 216, 8th July.]

acquaintance with Hamilton. On the 27th of April Shelburne wrote to Haldimand that Hamilton was to succeed Cramahé.* It would seem that Hamilton lost no time in proceeding to Quebec, for in August he is mentioned by Haldimand as present to conduct the civil government, in the event of his being forced to leave before Carleton's arrival, a contingency at the time considered possible. Hamilton's name likewise appears as attending the council in May, 1783.

It is not possible to avoid the impression of the unfitness of Hamilton for the position. With much personal amiability, and with an honourable desire to perform his duty, his weakness of character led him to advocate opinions affecting the executive duties of government which any one of ordinary prudence, placed as he was, having accepted with hesitation, would have expressed with extreme caution. At the meeting of the council in 1784, during the government of Haldimand, he had sustained the proposition to introduce radical changes, and his want of reserve on this point shewed an absence of all discretion. As on Haldimand's departure Hamilton would succeed to the government, it was his duty to have avoided all expression of opinion, and to have given his countenance to no demand affecting the future constitution of the country. It was a period of transition; there was a strong feeling that some modification of the Quebec act was required, and on this point there was much difference of view. With many, the concession of the *habeas corpus*, securing individual liberty for the time, was regarded as the one change immediately necessary. Others conceived that there was no assurance of liberal government as the council was constituted; the right of suspension of a member being possessed by the government. Those who desired the establishment of a house of assembly were strongly opposed to any division of the provinces. The consequence of their demand was not foreseen, that in a few years, as party lines began to be drawn, the English-speaking

* [Can. Arch., Q. 19, p. 264.]

population must necessarily be in a minority. With the French population, the right of imposing direct taxation, which would form an inherent privilege of the assembly, made the proposition unpopular. Had Hamilton possessed the instincts of a statesman, he would have understood that the settlement of a new constitution for Canada called for something more than the enunciation of a few philosophical principles gathered from Locke; that any change of condition should be framed to meet the true requirements of the province, and be approached with caution and reserve.

Hamilton did not take this wise course; on the contrary, he voted for the demand embodied in the constitution introduced by Grant for the immediate establishment of a house of assembly. This proceeding must have been one extremely objectionable to Haldimand. The sufferings undergone by Hamilton during his imprisonment and the fortitude he had shewn in this trying situation had pointed him out as deserving of consideration, and his want of prudence must have been a disappointment to those who had advocated his claims.

Hamilton's own letters shew that he felt he did not possess Haldimand's confidence. Before Haldimand's departure he wrote to lord Sydney* asking his protection, with the request that he should be given full instructions for his future guidance. Considering that Haldimand was in Quebec at the date of this letter, the proceeding does not suggest a favourable view of Hamilton's tact and temper. On the 2nd of December† he returned to the subject and he informed Sydney that he had received no instructions, but that a trunk full of papers had been delivered to him, for which he had given a receipt. These papers he had examined.

There are, however, such instructions on record, some passages of which could not have been pleasing to Hamilton, as he had committed himself to a policy in an opposite

* [Can. Arch., Q. 23, p. 389, 22nd Oct.]

† [Can. Arch., Q. 24.1, p. 24; B. 221, pp. 54, 60, 63, 14th November, 1784.]

direction. Haldimand expressed his belief in the equity and sound policy of the Quebec act of 1774, adding that those who were petitioning against it were designing men, enemies to the tranquillity of the province. Hamilton was told that when necessary there should be an interchange of views between him and the commanding officer, and Haldimand traced the duties of the civil and military authorities with regard to the loyalists. Haldimand had consented to the priests remaining with the Indians, and he recommended that as vacancies arose in the seminary of Saint Sulpice they should be supplied by the elder missionaries. He had left the jesuits as he had found them; but many had engaged in schemes at variance with fidelity to the king's authority. He related what had taken place with the home government regarding the introduction of foreign priests, four of whom were expected from Savoy, who were to receive each £200 a year. Legislation was required respecting procedure in the courts of justice, the establishment of fees on a moderate scale, the registry of deeds; and definite arrangements had to be made relative to the seigniory of Sorel.

Nevertheless, Hamilton submitted to Haldimand a long list of queries which, had he possessed tact, he would personally have discussed.* Many appear irrelevant, many uncalled for, and thus they betray a want of knowledge of that official tact and delicacy so necessary in a position of exalted trust.

Hamilton's application to Sydney created an unfavourable impression; for he was at once informed that, from the reasons that Haldimand had given for not communicating to him the measures proposed by the government, Sydney could see no ground for censure. Hamilton's letter, no doubt, worked its influence; for a few days after the expiration of three months' tenure of office he was recalled.

On Haldimand's departure there was a division of the civil and military duties, and St. Leger was placed in

* [Can. Arch., Q. 24.1, p. 261a.]

command of the few troops left in Canada. At this date they amounted to 2,000 of all ranks.*

Haldimand left full instructions for the performance of the duties assumed by St. Leger, throwing upon him the responsibility of acting without reference to the lieutenant-governor; to whom, however, under certain circumstances, he could communicate his instructions. But St. Leger's health was broken, and on the 18th of November he left Quebec for Montreal. In February he was again in Quebec; finally, finding himself unequal to the discharge of his duty, on the 11th of October he wrote from Montreal transferring the command to Hope. Hope reported the fact to Sydney, stating his intention of proceeding immediately to Quebec.

The phenomenon known as the "Dark days" occurred in October. On the afternoon of the 9th, between four and five, a sudden darkness was experienced, described as "partaking of a fiery yellow color." It was succeeded by squalls of wind, rain, thunder and lightning. What sometimes happens at that period of the year, there had been a severe frost the preceding night.

On the following Saturday, the 15th, at three in the afternoon, there was again a period of darkness, followed by a similar storm. On Sunday, the 16th, the day was foggy until ten o'clock, when an easterly wind cleared the atmosphere. Within half an hour darkness succeeded, but it was dispelled by a rain storm. From five to ten minutes past noon the darkness became so great that it was necessary to suspend the services in church until candles were lighted.

* State of troops, November, 1784, on Haldimand's departure.

Posts.	Officers.	Staff.	Sergeants.	Rank and File.	Total.
The upper posts: Niagara, Detroit, Michillimackinac, Cataraqui, Carleton-island, Oswego	28	4	28	701	761
Montreal and dependencies	15	3	16	265	299
St. Johns, île-aux-Noix and dependencies	11	3	16	330	360
Quebec and dependencies	36	6	31	504	577
Totals	90	16	91	1,800	1,997

At two o'clock it became perfectly dark for a short time, and again at four and half past four, so that the candles were lit throughout the city. Each period of darkness was followed by a thunder storm.

A ship, the "Adamant," off the east end of the island of Anticosti, on the morning of the 16th, while sailing in clear weather observed a black cloud to the west. By noon the vessel was enveloped within it and experienced total darkness. It is stated that this obscurity extended from the east, at Fredericton, to the west, at Montreal.*

The peculiarity of the phenomenon remains unexplained. A medical man of Montreal, noticing the dark character of the rain water, collected by strained muslin some dark pulverized matter strongly impregnated with sulphur.

At the end of November, 1784, bishop Briand, owing to his sufferings from a painful malady, notified the lieutenant-governor of the necessity of his retirement from the active discharge of his duty. For twelve years he had administered the diocese with loyalty to the government, enforcing his principles on the diocese. In July, 1781, during the strong feeling that prevailed as to the probability of a French invasion, Haldimand wrote to Germain "the bishop gave me a proof of his good disposition in writing a circular letter to the clergy, well worthy of the occasion." †

In stating this intention, Mgr. Briand recommended the appointment of a coadjutor as successor to M. d'Esglis, then in his seventy-fifth year.

The recommendation was sustained by the vicar-general, Bedard, superior of the seminary, also by its other members,

* Quebec *Gazette*, 27th of October, 1785. [Trans. Lit. and Hist. Society of Quebec, Vol. II., p. 239.] The same phenomenon was reported on the 2nd of July, 1814. I am informed by Mr. Marmette, of the Archive branch, that these days are still mentioned in the parishes of Lower Canada as "*L'année de la grande noirceur.*"

† [Can. Arch., 6th July, 1781, B. 55, p. 54.] This circular letter is not included in the *Mandements des Evêques de Québec.* I am informed by Monseignore Hamel, of Laval University, who at my request kindly made search for it, that there is no record of it.

and by de Glapion, formerly superior of the suppressed order of the jesuits, all of whom advocated the appointment of M. Hubert. Born in Quebec, in February, 1739, he was in his forty-sixth year. For some time he had been connected with the seminary, and for the last twelve years first-secretary to the bishop. In 1781 he had applied to be appointed missionary to the Hurons, in the neighbourhood of Detroit.

During the performance of these duties information of his elevation reached him. The matter was referred to the home government, in order that the appointment might be made under the great seal of the province. For some unexplained reason, while approval was given to M. d'Esglis succeeding M. Briand, although the merit of M. Hubert was fully recognised, objections were made to the selection of him in preference to M. Montgolfier, and instructions were sent that the appointment must be first offered to M. Montgolfier, then superior of the seminary. On this reply being received, the latter wrote, expressing his gratitude for the honour done him by the offer, but owing to his advanced age, he was seventy-four, and his want of experience, he must decline its acceptance. He asked that the recommendation of the clergy for the appointment of M. Hubert should have effect, and it was accordingly made.*

In April, 1785, Mr. Ira Allen, on the part of Vermont, again appeared in Quebec, commissioned to obtain free trade with Canada. Vermont was not then a state of the union, indeed, was not received into the confederation until six years later, on the 4th of March, 1791. An act of the legislature had been passed the preceding October, for the purpose of obtaining free trade through the province of Canada, and commissioners were appointed to effect the desired result, viz., Messrs. Ira Allen, Jonas Fay, and major Joseph May.

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* July the 1st, 1785. Although M. Hubert's bull is dated the 14th of June, 1785, it only arrived on the 31st of May, 1786. His consecration took place on the following 19th of November. M. d'Esglis died in June, 1786, when M. Hubert took possession of the diocese.

Such an application from a single state could in no way be entertained, as the negotiation lay entirely within the control of the general government. Equally as a matter of policy, it was beyond the powers of the governor of the province to enter into the negotiation. The consequence was that Allen received a cautiously worded reply, to which little real meaning could be attached.

The ordinances of 1785 included legislation which made changes in the practice of law. Hitherto the advocate had included in his occupations the pursuits of the surveyor and the duties of a notary. These callings were now separated. The surveyor hereafter followed his profession and no other. The notary was established in a distinct occupation, and those who practised law were confined to the duties of advocate and solicitor. Five years' study was exacted from advocates and notaries, and the latter were enforced to adhere to the ancient practice of the province.

The effort to introduce Canadian timber into England had not been successful with the inspectors of the navy yard. They reported that the oak and deals were greatly inferior in strength and durability to those in use. The deals especially had been found damaged and unfit for decks. In modern times this view will occasion surprise.

Steps were taken to determine a route from Cataraqui (Kingston), and from Toronto to lake Huron, so that time might be saved by those engaged in the carrying trade. It was soon discovered that there were many long reaches of shallow water in the streams falling into the bay of Quinté, and that the portages from Cataraqui would prove to be numerous and long. Both routes had the same objective point, the present lake Simcoe. Rocheblave had brought the Cataraqui route to the attention of the government,* and asked for exclusive privileges in its use. It was, however, soon discovered that the route by Toronto was preferable. Two waterways were found running northward from lake

* [Can. Arch., Q. 24.1, p. 242.]

Ontario, the Tonaouta, the present river Don, east of the city, and the Mimico on the west. The portage lay from the navigable sources of those streams to the river running into the bay at the south-west corner of lake Simcoe, afterwards known as Holland river. From lake Simcoe the route followed the Severn river to Matchedash bay, thence to Georgian bay. This route became generally accepted. In after years, in 1818, a naval station was established at Penetanguishene. It may not be out of place to mention that during the occupation of Canada by the French the whole of this district was known as lake and river Toronto. On the Charlevoix map of 1745 lake Simcoe is shewn as lake Toronto.

In the east of the province some energy was displayed in carrying on the work of the road connecting with New Brunswick, so that the land communication could be completed to Halifax; and the attention of the home government was directed to the subject. In the months of navigation the mails left for England by the Saint Lawrence; but from the close of November to the close of April, the five months of winter, some other route had to be found. So much impediment had been created by the postmaster-general of the United States that it was resolved to make the route to Halifax available, that letters could be sent to that port in winter. There is a report from Finlay, the postmaster-general, on the subject. The United States authorities would allow no messenger to accompany the mails to New York to be sent by the Falmouth packet. Hazard, the postmaster-general, threatened to prosecute anyone carrying letters through the United States, although written in Canada. Letters were also detained at the post office at Albany, and the delivery of them was very uncertain; no established regular mail passing from Albany to New York. The only concession obtainable was that a messenger might accompany the postal bag from Albany, but a charge for transmission would be made of three shillings sterling an ounce, the bag also being weighed.

The postmaster of the United States had also notified his intention of establishing a post-office at the frontier line, at which it would be necessary for all Canadian letters to be posted in order that the highest rate could be collected upon them. As charges of this magnitude could not be borne by the provincial post-office, the route to Halifax became a necessity.

What occasioned Hamilton's recall was the course followed by him, on the receipt of a petition laid before the council, which was two-fold in character. The first part set forth the strong objection felt to any law for the registration of titles; the second asked for the repeal of the militia act of 1777, on the ground of the injustice with which the *corveés* were enforced. Nine of the signers of the petition, withdrew their names at a later date, for the reason that, although their signatures had been willingly given against the registry ordinance as prejudicial to the public interest and onerous to the individual, they had never contemplated advocating the second part of the petition. Accordingly they asked their names to be erased. The inference may be formed that many signed the petition with this feeling, without cognizance either of the changes demanded or of the tone adopted in their advocacy, and that it was with the view of readily obtaining signatures that the compound character of the petition had been adopted.

There was considerable difficulty in forwarding provisions and military stores to the western posts, the retention of which was the key to the fur trade, at that time the most important branch of commerce. The only means of carrying these supplies to their destination was by the enforcement of the militia law, by *corveés*, payment at fixed rates being made for the labour rendered. This legal enactment prevented extortion for such service. The petition did not simply complain of the system, and pray for its remedy, but set forth in violent language what the petitioners claimed to be their grievance. It declared that this wrong was suffered only by the new subjects; that they were forced to render

service on insufficient pay; that they were required to supply wood to the troops without payment; that they had frequently to undertake journeys for which they received nothing; and that when payment was due it was generally so long delayed that many wearied with waiting abandoned the claim; that the population was constantly insulted and at the mercy of an uncontrolled military force.

Without investigation Hamilton accepted this view. Hope was ill when the petition was received and brought to his notice. He simply recommended that no changes should be made in the law, as it would not be possible to supply the western posts without its enforcement. Hamilton entertained a contrary view; he contemplated bringing the unsustained remonstrance to the attention of the king, and at a meeting of the council introduced a new militia act. It was then that Hope protested against the proposal of the governor to send the document authoritatively to England. On the matter being submitted to the council, the course taken by the majority was to reject Hamilton's proposition to enact a new law, and the militia act as it was constituted was renewed for another year.

The petition was ordered to lie on the table, a vote which the council held was, for the time at least, an end of the matter. The governor, however, contrary to the advice of the council, on his own authority acknowledged the petition and wrote that until proof was made of the allegation it must remain unnoticed.

The indifference of the governor to the attack on the military administration, and, it may be said, to some extent his encouragement of it, led Hope to reply to it in his own name. He published a letter in the Quebec *Gazette*. He wrote, he said, in vindication both of the government and of his own character, for he had served as deputy quartermaster general; also in vindication of his predecessor, colonel Carleton, who was absent. He called upon all those who had made these charges to produce proof of them; he appealed to the public to suspend their judgment until those

proofs should be produced, and he declared the representations made and the remarks which accompanied them to be false and unwarrantable. Hope wrote with some indignation and took no pains to conceal what his feelings were.

Not a shadow of attempt was made to adduce proof of the charges contained in the petition. Those who directed the movement wrote to Hamilton that they considered their personal respectability should be held sufficient proof of their assertions. A paper was published by them in the Quebec *Gazette;* it cannot be called a reply, for there was no attempt to substantiate their assertions. After complaining of Hope's plain speaking, the writers proceeded to state that there was no design to cast any reflection regarding the cause of these abuses. All that they desired was to reform them, and no notice was taken of the challenge by Hope to produce proof of the assertions which had been made.

Hamilton wrote to Sydney that he thought the petition had been "treated with a sufficient degree of neglect by the council." He did not, however, state that it was without examination into the allegations it contained, and that he had introduced the new militia ordinance rejected by the council.

Both Hope and St. Leger wrote on the subject to London:* the former to Haldimand, for he was still governor-general, the latter to Sydney, relating the proceedings. These letters, with Hamilton's own explanation, led to his recall: an intimation certainly not communicated with much ceremony. He was informed by letter of the 13th of August that the king had no further need of his services. Five days later Hope was appointed lieutenant-governor, "from the confidence felt in his zeal, temper, and discretion, and from the desire to put an end to party spirit." These letters reached Canada in October; Hamilton replied by stating that he had transferred the government to Hope and was leaving on the 2nd of November.

* [Can. Arch., Q. 24.2, pp. 357, 371.] Hope's letter to the Quebec *Gazette*, of the 28th of April, is given p. 365.

Hope was sworn in on the 2nd of November, 1785, and acted as lieutenant-governor until the arrival of lord Dorchester, on the 23rd of October, 1786. The chief anxiety which prevailed during his government was regarding the western posts, reports being constantly received that they were on the point of being taken possession of by force, their surrender being still withheld. The troops at the disposal of Hope were so few that he reported to the home government if the design were entertained he would be unable to resist the attempt. He proposed, therefore, to raise two Canadian corps of 500 men each, and he asked for two more regiments. In the case of a rupture with France and Spain, he pointed out that Nova Scotia and Canada might furnish a base against the West India islands, and that troops could be drawn from Canada for such an expedition.

He was particularly careful in considering the fortunes of the new loyalist settlers on the banks of the Saint Lawrence. He reported that they were rapidly improving the land, and there was every promise of future prosperity. Government had undertaken to furnish provisions only until the 30th of May, 1786. He pointed out that it was indispensable to extend the period until the crops had been harvested ; that otherwise from destitution, many, to their ruin, would be forced to abandon their holdings.

In January, 1786, he received a letter from the commissioners appointed to investigate the loyalist claims, then at Sydney, Cape Breton. Hope replied that he had instructed the officers who presided over the affairs of the loyalists to bring the duties they had undertaken to public attention, so that all claims could be specified and forwarded to the commission, for it was impossible that the settlers could personally attend. He advised the commissioners to visit Canada. In this communication we have the number of the loyalists who had been established under the auspices of the government, present in January, 1786, given as heads of families. Near Niagara and Detroit, 300 ; on the banks of the Saint Lawrence, from lake Saint Francis to the west

of Kingston, 1,800; about Sorel and in all Lower Canada, 200; at the bay of Chaleurs and Gaspé, 200. Total, 2,500 heads of families. Allowing each family to consist of five, we obtain a total of 12,500 throughout the province.

Hope's government for the few months before the arrival of Carleton was affected by no difficulty. Carleton's appointment was known early in 1786, and information was received that no constitutional changes would be made until his report on the condition of the province had been received from the governor-general, to suggest the legislation to be submitted to the house of commons. Hope's decided conduct in answering the charges against the military administration, contained in the petition assailing the registry and the militia act, greatly discouraged agitation. The immediate question of importance was the north-west trade, and it had been referred by his predecessor to the home government.

The regulations which had hitherto prevailed were, that all goods to be transported on the lakes must be taken in vessels belonging to the government, or in private canoes. The movement by canoes on the lake was found to be tedious and expensive, for the trade had now extended to the west of lake Superior. It was carried up the Saint Lawrence in *bateaux* to Carleton-island, and thence across lake Ontario to the grand portage of Niagara. From lake Erie the water communication was uninterrupted to the portage at the entrance to lake Superior, the extreme length of the water route for vessels of any tonnage. Mr. James McGill wrote to Hamilton that if private vessels were allowed indiscriminately on the lakes, the trade would fall into the hands of the United States.* He described the trade as of £100,000 in value in the country south of the boundary line, and £80,000 in Canadian territory. What he recommended was, permission to be granted to the merchants to have small decked vessels of their own. Frobisher also pointed out the expense incurred by the use of canoes, and

* [Can. Arch., Q. 25, p. 118, 8th August, 1785.]

the impediment to trade by the prohibition of the use of private vessels and by the enforcement of placing the cargoes on the government craft. The question was reported to England. The regulations were modified, and St. Leger, before his retirement, gave permission in certain cases for the use of private vessels in the transport of Indian goods; by this course meeting the views expressed by the council on the petition of those interested.* Hope also received instructions† to prevent the import, by land or by inland navigation, of any merchandise from the United States prohibited by sea, and not to permit the export of peltry to that country.

In 1786 Hope had been informed that previous to his appointment it had been determined to appoint a governor-general, and that Carleton had been selected; a change, he was told, which must not be considered in any way as a reflection on his character. It had been likewise resolved to give the governor-general of Canada commissions as governor-in-chief of Nova Scotia and of New Brunswick.‡ Consequently the administrators of those governments would be styled lieutenant-governors. The choice of Quebec and New Brunswick would be left to colonel Thomas Carleton; should he prefer Quebec, Hope would be transferred to New Brunswick.

Thomas Carleton had at first hesitated as to the acceptance of the governorship of New Brunswick, but when he understood that the alternative lay between that office and Quebec, he made choice of New Brunswick and became the first lieutenant-governor of that province.

Hope accordingly remained at Quebec, and as there will be no further occasion to allude to him in that position, I will here mention the close of his career, which was to take place in a few months. As a mark of the respect in which Hope was held, the gate, then lately finished, in 1784, from

* [Can. Arch., Q. 24.2, p. 326, 7th May, 1785.]

† [Can. Arch., Q. 26.1, p. 97, 10th February, 1786.]

‡ [Can. Arch., Q. 26, p. 82, 6th April, 1786.]

the upper town of Quebec to the ramp descending to Saint Roch suburb was called after him. At this time it was first known as "Hope Gate," which name it retains. He obtained leave of absence to proceed to England in June, 1788, and returned in October of the same year. His health, it would seem, was not then good, and it had gradually become worse. On the 11th of April, 1789, Motz wrote to Nepean that no hope was entertained of his recovery; on the 13th Dorchester reported his death at two o'clock in the morning of that day, after a long and severe illness.* He was buried with military honours at Quebec; the council and many citizens attended his remains.

No appointment of a successor to Haldimand was made for some months after his arrival in London, and it reads in his diary as if for a time the thought was entertained of his return. If that view prevailed, it soon passed away, for in January, 1786, it was determined again to send out Carleton, lately created lord Dorchester. William Smith, subsequently selected as chief justice of the province, was then in London, and, with Carleton, was in constant attendance at lord Sydney's office when the policy which should be followed in Canada was under consideration. Mr. Smith had been one of the principal justices in New York, and had remained in the city until its evacuation by Carleton. He was appointed chief justice in 1786, apparently by the express desire of Carleton, and accompanied him to Canada.†

* [Can. Arch., Q. 41.1, p. 292.]

† Many of the contemporary opinions in New York are extremely unfriendly to chief justice Smith. Jones, in his history of New York, expresses himself with great severity towards him; and the allusions to him in Haldimand's diary contain many unfavourable passages. [Pp. 149, 157, 227, 247.]

BOOK XXV.

The Government of Lord Dorchester, 1786–1796.

The Canada Act, 1791.

The Government of Lieutenant-Governor Simcoe, Upper Canada, 1791–1796.

CHAPTER I.

Lord Dorchester, for as such hereafter must Carleton be mentioned, landed at Quebec on the 23rd of October, 1786. Addresses were immediately presented to him in French and English. He wrote privately to Nepean that every proceeding bore the impress of good humour, and the addresses generally were characterized by good sense. Among those sent were several from the newly settled townships. They expressed gratitude for the consideration the loyalists had received, with the hope that the same advantages would be extended to them as to other settlers; which was construed to be an allusion to the tenure of land. He wrote to Parr, the governor of Nova Scotia, stating his intention to visit cape Breton and Prince Edward island, then known as Saint John's island, to learn their actual situation, so that the interests of the two colonies could be understood, and a system for their government established, equally advantageous to the inhabitants and to the mother country.

Dorchester held office as governor-general on a tenure different in character from the powers hitherto granted. Until this date, Nova Scotia, the elder British province, possessed its own governor, for the last few years with a lieutenant-governor of cape Breton. It was thus brought into direct correspondence with the colonial office. Dorchester's appointment, in addition to constituting him governor of Canada, extended to the other provinces. He received separate commissions as governor-in-chief, not only of Canada but likewise of Nova Scotia and of New Brunswick, established as a province in 1784; and the same provisions were followed on the constitution of Upper Canada as a province in 1791. The titles of the governor of Nova

Scotia and of New Brunswick were changed to that of lieutenant-governor, with the same pay and allowances; their position, however, became subordinate to that of Dorchester as governor-in-chief, a position he assumed by right of his commission, when present in any province.

William Smith, the newly appointed chief justice, had accompanied Dorchester to Canada. He was born in New York in 1728, the son of a lawyer of reputation, who subsequently became one of the associate justices of that province. Smith, the eldest son of a large family, had himself, in 1763, been appointed chief justice. United States writers have represented, that, when the revolutionary movement was approaching its final development, he was uncertain which cause he would espouse, and that he retired to his country house on the North river for five months, as if waiting to see which was the winning side. He was, however, suspected of attachment to the royal cause, and was confined on parole, being left in possession of his property. As it remained unconfiscated, it has been held that he was considered not unfriendly to the revolutionary party. In 1778 he proceeded to New York and openly took the British side. His position as chief justice obtained for him full consideration; nevertheless contemporary writers have mentioned his name with suspicion and with much unfriendliness. He thoroughly obtained Dorchester's confidence, and, after the peace in 1783, accompanied him to England. Apparently, it was owing to the governor-general's influence that he was nominated chief justice of Canada. At that date he was fifty-eight years of age.

Mr. Smith arrived at Quebec with theories of the supremacy of English law. In one of the first cases submitted to him he reversed a judgment of the common pleas, which had held that the Quebec act brought every action before the court under the provisions of the laws that had been in operation at the time of the conquest. The chief justice laid down the decision at some length,* that in cases where

* [Can. Arch., Q. 27.1, p. 18, 2nd January, 1787.]

French law would apply, it should be followed in accordance with the Quebec act. On the other hand, where the litigants were purely English, as in the other case they might be French Canadian, English law should prevail, and that an exclusive adoption of either system would be ruinous in its consequences.

In 1787 he proposed to the council the continuance of the ordinance passed two years previously, which established trial by jury in civil affairs, between merchants and traders, and in disputes involving personal wrongs for which damages could be demanded. Some clauses were added by the governor to make the act more comprehensive. The measure was regarded by the majority of the council as too limited in its application, and it was rejected. Those who had given it their support entered their protest on the journals. The majority who voted against the act introduced a measure, and it was urged against it that, although the term "jury" was retained, it was only in a limited sense. The proposed ordinance called forth much opposition on the part of the limited numbers engaged in commerce, and a petition was presented against it, with the prayer that the signers might be heard by council. The petitioners were represented by the attorney general, Monk, who spoke for six hours against the measure. He dwelt on the necessity of determining what laws had been retained by the Quebec act, and enforced the necessity of clearly establishing the principle of law which should be followed. He also advocated the propriety of restraining the judges within a prescribed code, with clearly defined rules of court, by which in all cases their decisions should be governed. In support of his argument, he cited cases which, from the contrary character of the decisions rendered, as shewn by the records of the court, to use the words of one present, "astonished his audience."

Some days afterwards, in accordance with the instructions of the council, Monk submitted a statement of the facts, received by him from the committee of merchants, which had formed the basis of the charges made by him against the

proceedings in the courts. The bill was dropped. In consequence, however, of the complaints against the administration of justice, the council voted an address to the governor, asking that an investigation should be held, both with regard to the procedure observed in the courts and the conduct of the judges; the investigation to include the practice followed in the court of appeal. Chief justice Smith was appointed the commissioner to conduct the inquiry, and he commenced his labours in June, 1787. Many witnesses were heard, and much evidence was admitted, attacking the personal character of the judges. The record is preserved in a voluminous array of papers, the examination of which is the less necessary as the investigation led to no result. The report, to a great extent, is a reflex of the passions of the time, which, as experience has shewn, rage with the greater violence the smaller the community in which they are called forth. The personal habits of the judges were described in some cases in the reverse of complimentary language; charges of partiality were adduced even to absurdity. Some idea may be formed of the evidence received by the fact that testimony was given that Haldimand had personally influenced the judges of the court of appeal to cause an unjust judgment to be given against Du Calvet for £6,000.

The testimony, however, appears to establish that there was great uncertainty as to the prevailing law, owing to French or English law being followed as equity suggested. Lawyers writing on the point describe the inquiry as disclosing a condition of legal anarchy and confusion, presenting a melancholy state of the administration of justice. The inquiry was not in any way advanced by the boards of trade which were called together, both in Montreal and Quebec, to draft replies to the queries submitted to them. These bodies by no means confined themselves to the questions under examination. They entered into the view of constitutional government, asking for an elective chamber, with English laws, in all matters excepting the laws of land,

* [History of Canada, W. Smith, II., p. 175.]

and of inheritance. Although it is plain that there was an absence of a uniform system of jurisprudence, and there was much incongruity of principle in many of the decisions, no writer of the times has urged there was wrong-doing in the sense of corruption, and I can find no trace of any charge that the decisions were unjust. The passage of the Canada bill in 1791 was doubtless the cause that no steps consequent on the inquiry were taken.

In July, 1787, Dorchester reported the ordinance which established four new districts on the Saint Lawrence, with that to the east at the bay of Chaleurs, to which the name of Gaspé was given. With the exception of Detroit and of Niagara, where the fur trade was actively carried on, which places called for special consideration, little interference on the part of government was required in the new settlements, beyond the establishment of law and order. The names given by Dorchester to these new districts, commencing at Detroit, were Hesse, Nassau, Mecklenburg and Lunenburg, the last named being situate west of the seigniories in Lower Canada proper, at lake Saint Francis. This nomenclature, however, was not long retained. By the 14th clause of the Canada act, authority was given to each lieutenant-governor by proclamation to divide the province into districts. In 1795 a map prepared by Mr. Chewett established six counties and districts, to be known as Eastern, Johnston, Midland, Home, London, and Western districts, the division that remained unchanged until the period of the union of the provinces in 1841.

Division-courts of justice were established and clerks-of-courts, sheriffs, and coroners appointed with general provisions for executing justice.

In 1788 Dorchester visited the loyalist settlements and reported his favourable impression of the progress that had been made. Even at this date, the division of the province was proposed to commence at the western line of the seigniory of new Longueuil. Applications for land were constantly being received from the United States, addressed

by those who had retained their attachment to the mother country, or who now repented that they had been induced to act hostilely against her. The tenure of land, however, under French law was distasteful to this class of settlers. Free grants had likewise been offered to the French Canadians who had served during the war ; they were accepted only in few instances, from the fear of incurring an obligation to serve as soldiers for life.*

At this date the British population in Canada was confined to the cities of Montreal and Quebec. Dorchester, in 1788, estimated its number in the proportion of one British to two Canadians, owing to the influences prevailing from commercial life. Some few English-speaking inhabitants were established at Three Rivers, Terrebonne, Sorel, Saint John's and at the discharge of lake Champlain ; only a small number were scattered in the parishes. The proportion in the country districts, independently of the cities, was one English-speaking to forty French Canadians, but, including the cities, one in fifteen.

The loyalist settlements on the Saint Lawrence were so distinct in character that the necessity of placing them under conditions differing from those of eastern Canada, with regard to the laws of property and municipal institutions, early became apparent as a political necessity.

The militia ordinance of 1787 was also brought into operation. Dorchester recommended that the three battalions to be called out should be embodied as an established force, the officers to be permanently appointed, the men to be renewed at the expiration of every two years. The measure, he conceived, would create a good spirit in the province; modifications from time to time might be necessary, as difficulty would be experienced in carrying out its provisions. He held that it was indispensable in no way to neglect the militia act, even in time of peace, so that its efficiency could be tested and the dependence to be placed on its operation fairly judged.

* [Can. Arch., Q. 39, p. 6, 4th November, 1788.]

The agitation for the establishment of a house of assembly still continued. The project found general favour only with the British minority, for it was not accepted, except in an extremely limited degree, by the French Canadians. They regarded it as opposed to their interests, and as threatening the existence of the institutions which they had been led to cherish and sustain. Mr. Lymburner, a Quebec merchant, was sent to London to advocate the demand, while petitions* and memorials from those asking for the measure were placed in the hands of the government.

Owing to the part taken by Monk, the attorney-general, before the council, in the petition of the merchants against the administration of the law, he was dismissed from his office and Gray appointed in his place. From the consideration that the course taken by him was irreconcilable with his position as a law officer of the crown, instructions were sent by lord Sydney from London to that effect. The merchants, considering that this extreme measure had been taken because of his having pleaded their cause, addressed a memorial in Monk's favour. It is proper to state that, after the passing of the Canada act, Monk, in 1794, became chief justice of the court of King's Bench.

Enjoying in modern times, owing to the operation of railways in all directions, the increased comforts and conveniences which give a zest to life, the present generation has difficulty in bringing within its comprehension the privations which a century back were universally felt. Our daily wants are now so satisfactorily supplied, and, in spite of much that happens to shake the belief, civilization is so constantly and steadily advancing, affirming and widening its influences, that it is by no ordinary effort we can bring to view the rude conditions of existence then experienced. The imperfectly formed roads everywhere to be met, even at short

* We learn that the petition from Montreal was not received by Dorchester. Having been sent in a box, the postage of £28 16s. was demanded. Dorchester would not take it from the post-office, on the ground that it would open the door for a similar expensive correspondence.

distances from the main lines of communication, made intercourse almost impossible between communities at no remote distances apart. The simplest articles of supply unattainable near one's own threshold, however plentiful a few leagues distant, passed out of thought with those who had once enjoyed them.

But for the introduction of railways, the history of the whole American continent would have been a different record from that which can to-day be read. There would be a wide interval between what now is seen to be and what, deprived of these influences, would have been found. It is entirely owing to the facilities that the railway has conferred, in making possible the existing political relationships, in creating an outlet for the products of the farm, the forest and the mine, and for supplying at a moderate cost the ordinary daily requirements of widely separated communities, that the development of British America and the United States has made such rapid strides. A century back the Apalachian range was regarded as presenting a formidable barrier to any identification of relationship between the east and west. As settlement found its way to the Ohio, extending northward to lake Erie and southward to Kentucky, the thought of connection with the Atlantic seaboard became greatly weakened. The Mississippi appealed to the imagination of the dwellers in this new land, as furnishing the true and only route to the ocean by which the fruits of their labours could reach foreign markets. There was at the same time little inclination to seek intercourse with the Spaniards. The feeling was one of extreme distrust towards Spain, and this sentiment went to the length that, if circumstances dictated the policy, its power should be defied. As the necessity of an unimpeded navigation of the great river became more apparent, it was hoped that Great Britain might obtain possession of Louisiana, and, in such a case, New Orleans would be the port to which the new state would look for connection with the ocean. It was by no means an uncommon speculation that relationship with the Atlantic cities of the States

would cease, and that the independence of the western communities should be asserted. Thus an untrammelled trade intercourse with Canada could be established and the possession of the Mississippi mouth assured. Indeed, the sentiment was by no means contracted in the theory that the legitimate relationship lay more with the British provinces than with New England, and that the political communities forming in the west would find by a union with Canada an identity of interests more conducive to their prosperity and well being than would be assured by participation in the distracted condition of the United States. For these were the years during which there was great anxiety as to the future stability of the newly constituted nationality.

Early after the peace, a numerous emigration was directed to the Ohio and to Kentucky; in a short period, the population was counted by thousands. The uncertain relations with the Indians did not depress the spirit of adventure which led many to cast their fortune in the newly-opened territory. Every influence was in its favour; a climate in all respects healthy, the most fruitful soil, streams in every direction, with well timbered forests. The one point exacting consideration was its communication with the seaboard, to which the only solution that offered was the free navigation of the Mississippi.

By the force of its current downwards the distance could be easily accomplished. The ascent was marked by so many impediments that it was preferable for the craft engaged on the river to be so constructed that they could be sold as lumber on their arrival at New Orleans. The return route available was for the crew to pass by water to the Atlantic cities, at which the manufactured goods required with the necessary supplies could be purchased, to be carried overland for distribution, across the mountains to the valley of the Ohio. The time required, the fatigue to be undergone and the cost of this exacting journey by land had directed attention to the water route of the Saint Lawrence through Canada to the ocean.

The same geographical disadvantages were strongly felt in the state of Vermont; lake Champlain, having its outlet in the Saint Lawrence, that river furnished the natural channel by which the ocean could be reached for those whose homesteads were in the neighbourhood of the lake. Even if no political influence had prevailed to interfere with the passage of produce and merchandize to the Saint Lawrence, the rapids which intervene between Saint John's and Chambly, a few miles from the outlet of lake Champlain, presented themselves to impede the continuous unbroken transport, and vessels had to discharge their cargoes at Saint John's, for the freight to be reloaded at Chambly basin.

This condition early awakened the attention of Vermont and an appeal on the subject was made to the British government, immediately after the peace, by Silas Deane * through lord Dorchester before he left England for Quebec. Deane's first memorandum was written in 1785. Dorchester forwarded it to the secretary of state, lord Sydney. The canal proposed by him became a matter of considerable attention during 1788 and 1789, and Deane furnished elaborate memoirs on the subject. His argument was that the work was a necessity, that it would create friendly relations between the states whose interests had been consulted by its construction, and that it would form a profitable return for the money invested. It would be of little benefit to repeat the arguments advanced at that date, for they are no longer of force; the trade is carried on by railway and canal, owing to the construction by the state of New York of the Champlain canal, connecting lake Champlain with the navigation of the Hudson. The main result hoped for was the establishment of a West Indian trade with Vermont. No steps were, however, taken at this date to begin the work.†

* [Can. Arch., Q. 28, p. 160, 24th of Oct., 1787.] For Silas Deane's relationship with Beaumarchais, vide ante., VI., p. 419. His name was also freely mentioned when he was in France as having employed Jack the Painter to burn Portsmouth dockyard in 1776.

† The Chambly canal was opened for navigation in 1843. Its length is twelve miles, with nine locks, 120 feet in length and 24 in width and seven feet

An event occurred in 1787 which has some significance from the fact that it was the first instance of a prince of the present royal family visiting Canada. On the 14th of August H.M.S. "Pegasus" arrived, the commander being prince William Henry, the third son of George III., afterwards William IV. He was received with great ceremony and enthusiasm. He ascended the Saint Lawrence to Montreal, stopping at Sorel. The population of this small place, in honour of his visit, unanimously resolved that it should hereafter be called "William Henry." Although officially so recognised for some forty years, the name fell into disuse and the place is only now known by its former designation, Sorel. The prince left Quebec in October with the fleet under commodore Sawyer. One effect of his visit was that, owing to the lateness of the season at his departure, it occasioned lord Dorchester to postpone the visit he had designed to the maritime provinces.

Prince William Henry was likewise received at Halifax with great distinction and ceremony on his arrival at the end of June, when proceeding to Quebec, and on his return homewards on the 24th of October. The festivities were at that time continued until the 12th of November.

In September, 1787, Sydney informed Dorchester that the province of Nova Scotia had been erected into a bishop's see, and that Dr. Chas. Inglis had been appointed bishop with ecclesiastical jurisdiction in Quebec, New Brunswick and Newfoundland. There had been an intermediary

of water on the sills. The cost in 1867 is reported to have been $634,711. In 1818, a company was incorporated to construct it, but nothing was done until 1829, when the legislative assembly of Quebec passed a vote that the work might be undertaken by the government. It was commenced in 1831; in 1835 the work was discontinued from want of funds to complete it. The canal was, however, so far constructed that boats could reach the village of Chambly, but the connection with the river Richelieu, at that point, which called for three combined locks, had not even been begun. This work was undertaken in 1841. The total rise of lockage is seventy-four feet. Owing to the construction of four of the locks the maximum size of the boat passing through the canal is limited to a chamber of 118 feet by 22½ feet. The canal is principally in use at present for the conveyance of plank, square timber and ore.

attempt by the archbishop of Canterbury to supply this void. He had selected the Rev. T. B. Chandler to act in some form representing him in the province. Mr. Chandler had previously been rector of Saint John's Church, Elizabeth-town, New Jersey, and had proceeded to England in 1775. Owing to ill health he was unable to accept the appointment, and Dr. Inglis was nominated. He arrived at Halifax on the 16th of October, 1787.

I have described, in a previous volume, the bitterness of feeling existing in Massachusetts against the introduction of episcopacy into the provinces, and the strong protest which the supposed creation of bishops for the government of the colonial church called forth.* It was regarded as a "design against civil and religious right." No proceeding could possibly be more unjust than this expression of discontent. The chief object was to create animosity against the mother country, and to add one more wrong to the list of grievances specified by the agitators desirous of accomplishing independence of imperial control.

The reasons for the establishment of bishops of the anglican church in the colonies, as set forth by archbishop Secker in 1740, when bishop of Oxford, before the Society for the Propagation of the Gospel, are in every respect unanswerable. At that date, from the absence of bishops, the rite of confirmation had passed out of use. The clergy had to proceed to England for ordination, and there was but feeble discipline in the church, if any. The rite of confirmation to men of the stamp of Dr. Mayhew, of Boston, and his co-religionists may have been an "idle and useless imposition," but their views did not determine the matter. Those who had been taught that confirmation is at least a decent and reverent duty, were debarred from performing it. Thus the colonial church was at a great disadvantage to which no other form of organization was subjected, for its ordinances were incomplete, and the difficulty of obtaining ministers was so great that it is a wonder that vacancies

*[Ante., Vol. V., p. 324.]

were in any way filled, and that the church did not perish from inanition. A century and a quarter was to pass before the creation of a bishop; although it was always distinctly advocated that the appointment should in no way encroach upon the functions of civil government.

In 1664 the Dutch were in possession of New York, and the chamber of Amsterdam wrote to the council of New Netherlands that the force sent to America was sufficient for defence. News had been received that the king of Great Britain, "being inclined to reduce all his kingdoms under one form of government in Church and State, hath taken care that Commissioners are ready in England to repair to New England to install Bishops there, the same as in Old England; because we believe that the English of the North, who mostly left England for the aforesaid causes, will not give us henceforth so much trouble, and will prefer to live under us, with freedom of conscience, rather than risk that in order to be rid of our authority, and then again to fall under a government from which they formerly fled." * Moreover, that a force was being fitted out to sustain this design. The council was better informed. The members expressed their doubts that there was any real intention in this respect. A patent in 1663 had been granted to Rhode Island: † "Whereby England's Majesty grants freedom of conscience in spiritual matters to every one, yea, even to the Quakers and Anna-Baptists *(sic)*, who are the most numerous and principal there." The council of New Netherlands considered that the frigates with the troops they contained had been sent against Long island, which had been granted to the duke of York.

After New York had become a British possession, consideration was given to the subject, for Bennet, lord Arlington, wrote to colonel Nicholls, one of the commissioners at New York, to act with caution in the matter of any proposition

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*[N.Y. doc., Vol. II., p. 235.]

†[N.Y. doc., Vol. II., p. 505.]

to establish episcopacy, and that he should not appear solicitous to make any change in matters of religion.

The revolution of 1688 and the difficulties in the first years of William III. directed attention to other quarters than the colonies. The church at home was disturbed by the scruples of the non-juror clergy, which included the primate, Sancroft, and six bishops, among them bishop Ken, of Bath, and Wells, author of the morning and evening hymns, which will ever retain their place in the English liturgy. Amid this dissension the question of colonial bishops passed out of view; but in 1695 it was revived by Mr. Millar, who had been chaplain to the forces. He proposed the appointment of a bishop for New York, to exercise authority over all the British provinces, with the extraordinary provision that he should receive some commission of authority over New York, New Jersey, Connecticut, Rhode Island and Canada, the conquest of which should follow.*

In 1707, Compton, then bishop of London, submitted some observations regarding the establishment of a suffragan bishop. After alluding to the disorders that had arisen to the discouragement of the clergy, and established the necessity of the presence of a bishop in "those parts," he inquired what class of bishop should be appointed, an "absolute bishop" would not be proper. "It will give great alarm to the several colonies, as it did in K. Charles ye 2ds time when there came over petitions and addresses with all violence imaginable." He advocated the appointment of a suffragan, as "the beginning of a new establishment ought to be carried on gradually."

In 1712 governor Hunter, of New York, recommended the appointment, and the Rev. John Talbot went to England to solicit the nomination as suffragan. The proposition was entertained to the extent that the Society for the Propagation of the Gospel gave orders in that year for the purchase of a house and land in Burlington, then regarded as northern New York. The death of Queen Anne in 1714 took place before

* [N.Y. doc., Vol. IV., p. 182.]

the measure could be submitted to parliament. In 1719 Talbot was again in England, and, failing to obtain any recognition from the bishops in authority, he received consecration from two of Sancroft's non-juring bishops, Waller and Taylor. He returned to America in 1722, claiming episcopal jurisdiction. But the Society, hearing that he was a jacobite and failed to pray for the royal family, removed his name from the list of missionaries, upon which Burnet, then governor, ordered his church to be shut up. Talbot was a man of much amiability of character and was much esteemed at Philadelphia and Burlington. His friends made great efforts for his restoration, but without avail, although Talbot is said to have taken the oaths and conformed.

On the 9th of February, 1727, George I. gave power to Gibson, bishop of London, to exercise ecclesiastical jurisdiction in the colonies, which on the accession of George II., in 1728, was renewed. The church in the colonies was at this time regulated by commissioners appointed by the bishop and so remained until 1740, when the subject was taken up by archbishop Secker. In 1751 he addressed a letter to Horace Walpole and published a pamphlet explaining his views. The last named was answered by Dr. Mayhew, of Boston, upon which Secker published a second letter, setting forth the position of a colonial bishop, assigning to it the character it possesses in modern times in the outer provinces. The wisdom of the proposal is manifested by the universal adoption of the precepts it enforces. As the step required the interference of parliament, the proposal led to great misapprehension in the colonies, and was represented as an arbitrary determination to establish episcopacy. Attacks were also made on the Society for its advocacy of the measure, the argument being that in so acting it was changing its object for the propagation of christianity and protestantism to the propagation of one form of it, in opposition to the views of other protestants.

Nothing, however, could have been less aggressive. Archbishop Secker was desirous in every respect of avoiding

the appearance of any propagandism. "We must be extremely cautious," he wrote, "how we appoint new missions where Presbyterians and Independents have assemblies." In February, 1759, he drew up a paper on the church in the colonies. It set forth that in 1620 the first appeal was made for procuring ministers; in that year there were but five ministers in the plantations. In 1679 instructions were sent that no minister could be named to a benefice without a certificate from the bishop of London. In 1725 bishop Gibson, uncertain of the powers he possessed, submitted the necessity of having explicit authority from the crown.

* Letter to the Rev. Dr. Johnson. Lambeth, Sept. 27th, 1758. The tolerance of Secker's opinions is shewn in the same letter, in which he sets forth the grounds on which the appointment of a bishop was desirable. "Nothing was ever intended at which Christians of any denomination have cause to be alarmed: but merely a provision that those of our communion in the Colonies might have that complete and easy exercise of every branch of their religion which others there have, and would complain bitterly if they had not; and ought, therefore, from the love which they profess of universal harmless liberty, not only to consent that our people should have, but join to procure it for them. The powerful objection made at home against our proposal, is, that the Dissenters abroad have terrible apprehensions of being injured by it. And in proportion as their remonstrances are vehement, our endeavours will be unpromising. Therefore, the principal point is to convince them, that whatever the Bishops were, from whom their ancestors fled into the new World, those of the present age are, and always have been, most sincere patrons of extensive toleration; and that we are for sending persons of our own order into America, not to claim the least jurisdiction over them, but merely to ordain Ministers for Episcopal Congregations, without the trouble, expense, and hazard of a voyage to England; a burthen, to which if they were subjected, they would think insupportable, to confirm from time to time the Youth of those congregations; a practice which, rightly or wrongly, we hold in high esteem; and to exercise such discipline in those congregations only, as they exercise by ordained Presbyters or Lay Elders; which discipline of ours would no more hurt them than theirs hurts us." [N.Y. doc., Vol. VII., p. 348.] We may place side by side with this statement John Adams' account of this attempt. "It excited a general and just (!) apprehension that Bishops, and Dioceses and Churches, and Priests and Tythes were to be imposed upon us by Parliament. It was known that neither King, nor Ministry nor Archbishop could appoint Bishops in America without an Act of Parliament; and if Parliament could tax us, they would establish the Church of England with all its Creeds, Articles, Texts, Ceremonies and Tythes, and prohibit all other Churches as conventicles and Schism-shops." [N.Y. doc., Vol. VI., p. 907.]

The case was referred to the law officers, who reported that the jurisdiction did not belong to any bishop but was vested solely in the crown by virtue of the act of supremacy. Accordingly, the patent previously alluded to as granted by George I. was issued to Gibson personally, and not to his successors, so it died with him. Sherlock pointed out the difficulties under which the church laboured in the colonies; churchmen were totally denied confirmation, and the clergy were forced to proceed to England to be ordained. Non-conformists in America would loudly complain, if they could not appoint their own ministers; "they would think it a great hardship and inconsistent with the rights they claim by toleration." What he suggested was that one or more suffragan bishops should be sent to America.*

After the conquest of Canada in 1763 the matter again became the subject of discussion. Those not of the church of England continued to exclaim against it. The proposal was described as a desire "to episcopize new England," while the advocates of the measure declared that those who opposed it "know the thing is reasonable, that we should and ought to be compleat in our kind as well as they in theirs." †

The question arose, if a bishop were named for Quebec with no jurisdiction over non-conformists, whether objection would be made to the appointment. It does not seem that it would have excited opposition, and, however insufficient the appointment might have been in many respects, it was con-

* [N.Y. doc., VII., p. 363. The views of those who advocated the appointment of a bishop can be read in the correspondence of Dr. Cutler and Dr. Samuel Johnson with archbishop Secker. Johnson was the first president of King's College, New York, and Dr. Cutler, president of Yale College. [N.Y. doc., Vols. VI., VII.]

These letters will repay republication, for they place in its right character a matter which has been persistently misrepresented. It is a curious commentary on the manners of the time that the archbishop, in thanking Johnson for two small tracts sent him, added, "But the postage of them amounted to thirty-five shillings, and, therefore, you will do better to await a little for opportunities of sending books, as indeed, you have done since."

† [Johnson to Secker, 10th of August, 1763, N.Y. doc., VII., p. 537.]

sidered preferable to the nomination of a suffragan to visit Canada every four or five years.

The death of archbishop Secker in 1768 prevented further steps being taken. We know from the letters of this able and worthy prelate that lord Egremont was induced to interest himself in furthering the measure, but he died before he could submit it to the council. Lord Halifax was also friendly to the project, but, owing to the weak state of the ministry, he hesitated to introduce a proposition which would have called forth strong opposition.

The political situation at home and the revolutionary troubles in America for a time caused the design to be set aside. It was not until 1787 that a colonial bishop in America was created.

What is the verdict of history on the event? It justifies the efforts made to supply a religious want keenly felt, and it places in its true light the denunciations of the agitators who have made it a charge of tyrannical wrong against the mother country that the appointment of a bishop was even considered. In 1782, during the negotiations for peace, the Rev. William White, afterwards first bishop of Pennsylvania, published a pamphlet, "The case of the Episcopal Church considered," in which he advocated the appointment of a superintendent to direct its government. The proposition for a time found favour, to some extent owing to White's personal character. During the revolutionary troubles he had taken the side of congress and had abandoned Philadelphia when held by the British in 1777-8. But his views were by no means generally approved, the opposition being most determined in Connecticut, and it became plain that their acceptance was not possible. In the meantime the peace negotiations were so far advanced as to promise a satisfactory result. The pamphlet was accordingly withdrawn. The action taken by White possibly influenced the clergy in Connecticut, for, on the 25th of March, 1783, they elected bishop Seabury. The new bishop had been a loyalist. He had been imprisoned at West Chester for his

opinions, and finding his way to New York, had supported himself by the practice of medicine; about the same time he became chaplain of the king's American regiment. Seabury proceeded to England, and waited sixteen months to obtain consecration from the English bishops. There was, however, no possibility of compliance with the request without legal authority, for every bishop on his consecration is obliged to take an oath of allegiance to the sovereign; consequently, the sanction of the law was required for this portion of the ceremony to be omitted. In the case of a bishop of the United States compliance with any such proceedings was simply impossible. Seabury was, therefore, consecrated at Aberdeen in 1784 by bishops Kilgour, Petrie and Skinner, representing the Scotch episcopate. It may be asserted that the embarrassment experienced in his case led to the future solution of the difficulty three years later.

At Philadelphia steps were taken to advance the movement commenced by Mr. White, and on the 26th of May, 1784, a council was assembled. After some preliminary proceedings, a convention was held in that city on the 27th of September, 1785. Alterations were then made in the liturgy, and an address formulated to the episcopacy of the Church of England and Ireland for the creation of bishops in the United States, the new liturgy being sent with it.

At the convention of 1786 White was elected first bishop of Pennsylvania, upon which he proceeded to England, and arrived in London in November, accompanied by Samuel Provoort, who had been elected bishop of New York. An act of parliament was passed to admit of the consecration of the two bishops, permitting the omission of such parts of the ceremony as were not applicable to their situation. Both were consecrated in London on the 4th of March, 1787, by the archbishop of Canterbury and York and the bishops of Bath and Wells and of Peterborough. Bishop White lived until 1836, and during his life assisted at the consecration of eleven bishops.

Provoort was of a good New York family and had taken

his degree at Saint Peter's, Cambridge. He was assistant minister at Trinity church, New York, where Auchmunty was rector, and Ogilvie, afterwards known in Canada, and Charles Inglis, afterwards first bishop of Nova Scotia, were assistant ministers. The opinions of these clergy were loyalist. The sentiments of Provoort were towards the revolution; he accordingly resigned his charge and left the city. After the evacuation of New York by Carleton in 1783, he became rector of Trinity church, and in 1786 was elected bishop.

The third bishop was Madison of Virginia, who, in 1777, was president of the William and Mary college. In 1790 he was chosen the first bishop of Virginia, and was consecrated in London.

Thus, while the proposal to appoint bishops during the colonial period was proclaimed by those who laboured for the dismemberment of the empire to be an intolerable act of tyranny, the first years of the independence of the States furnish its complete historical vindication. There are at this date eighty-four bishops of the Episcopal church in the United States.

The reverend Charles Inglis, appointed to the see of Nova Scotia, was born in Ireland in 1734. In his early career he had charge of the free school in Lancaster, Pennsylvania. Receiving a licence from the bishop of London in 1758, he had been sent to America by the Society for the Propagation of the Gospel, and was established at Dover, in Delaware. Subsequently he became assistant minister of Trinity church, New York.

Early in 1776 Paine published his "Common Sense," in which the independence of the provinces was plainly formulated: a proof in itself of the extent to which the desire of complete independence existed, even when the strongest declarations to the contrary were being made to the supporters of the colonial cause in London. This pamphlet was answered by Inglis so ably as to call forth the denunciations of the extreme partisans of the revolution who had assumed

the name of "the Sons of Liberty," and it took the form of publicly burning Inglis' reply.

Although requested by Washington to omit the prayer for the king and the royal family, Inglis continued to read it; consequently, on the declaration of independence, in 1776, Trinity church was closed, and Inglis retired to Flushing, in Long island.

During his ministry in New York, Inglis was constant in his duties with all classes, not excepting the negroes. In connection with Sir William Johnson, he actively intervened for the evangelization of the Mohawks. After the defeat of the congress troops at the battle of Long island, in 1776, and the abandonment of New York, he returned to the city. On the death of Auchmunty, in 1777, he was appointed rector of Christchurch, being inducted by governor Tryon amid the ruins of the burned edifice. The consequence of Inglis' loyalty was that what property he had was confiscated, and his name appears in the act of attainder in 1779.

On the evacuation of the city by the British he proceeded to Halifax, and four years later, on the 12th of August, 1787, he was appointed the first bishop of Nova Scotia. It is pertinent to call attention to the fact that the appointment took place in the same year when the first bishops of the American episcopal church were consecrated in London. It may be inferred that the proceedings taken in regard to them in no unimportant degree influenced the colonial appointment.

Early in 1789 bishop Inglis visited Canada, the only occasion of his doing so; for four years later, in 1793, the first protestant bishop of Quebec, Dr. Mountain, was appointed.

Bishop Inglis arrived at Quebec on the 11th of June, to be received with due ceremony. After a fortnight's visitation in the city he ascended the river, stopping at Three Rivers, Sorel and Montreal. In these several places he was presented with addresses, to which he replied, stating that there was now hope of seeing the protestant church emerge from the obscurity into which she had fallen. Until this date, the

services in Montreal had been held at the church of the Recollets, which with great liberality had been granted to the protestants at the hours when the fathers were not themselves engaged in their own services. The congregation of this city urged upon the bishop to obtain permission for the use of the jesuits' church, which, owing to the suppression of the order, was in disuse and bad repair. Lord Dorchester acceded to this request, and further agreed to place the building itself in good condition, leaving to the congregation the expense of fitting up the pews and furnishing the interior. He enforced the duty of retaining a pew for the governor, and proposed that the church should be called Christchurch: the first systematic establishment of the church of England in Montreal.

Bishop Inglis subsequently held a visitation at Quebec. There were then eight clergymen in the whole of Canada, exclusive of three army chaplains. The first episcopal conference of the protestant church was held in the Recollets' church, Quebec, on the 5th of August. Mr. Toosey, the rector of Quebec, preached the sermon. He was followed by Mr. Stuart, of Kingston, and Mr. Daly, of Sorel. On that occasion the bishop held a confirmation, the first time the rite had been performed in Canada.

Bishop Inglis laid down admirable rules for the guidance of the church, which can still be followed with advantage. He preached his farewell sermon in August, and on the following day sailed for Halifax.

There is one point to which I am impelled to allude, feeling that some explanation is necessary, owing to the want of knowledge on the subject and the consequent misapprehension which has arisen. I allude to the term, "my lord," given to bishops of the Anglican church, even when elected by the synod. I avail myself of the explanation furnished by the late Dr. Alpheus Todd, the former librarian of parliament, whose contributions to the history of parliamentary government * have gained for him a permanent place in the literature of the empire, and whose personal amiability and courtesy still continue as a tradition with the old frequenters of the library.

He thus explains the matter in a few words: "It was during the administration

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* [Parliamentary Government in England. 2 vols.]

of William Pitt, and soon after the first appointment of colonial bishops in the West Indies, that it was agreed to allow these dignitaries to be styled, 'my lord.' Since then the practice has become general; although, in the various letters-patent issued to bishops in North America and Australia, up to the year 1866 (when the issue of episcopal letters-patent in the colonies was abandoned) no uniform practice was observed. At one time and in one instrument, the title of 'lord' would be appended to that of bishop, on another occasion it would be omitted; and that indifferently, and upon no definite principle." Stubbs tells us, however, that "the title of 'lord' does not in England imply a dignity created by the crown, but is simply a descriptive or honorary appendage to some other dignity." It "belongs to all bishops in all churches"—"nor has it anything to do with a royal prerogative of conferring titles not being a recognized grade of peerage." If this be correct, and few would be disposed to question the accuracy of so learned and painstaking a writer as Stubbs, it disposes of this vexed question in a very satisfactory manner.*

* [Parliamentary Government in the British colonies, page 238.]

CHAPTER II.

In May, 1787, a committee was appointed to consider the condition of education and to suggest means for the establishment of schools and seminaries. A series of questions was drawn up for submission to the *curés* of each parish, and special letters were written to the bishop and his coadjutor. The two bishops gave reports differing in every respect. Bishop Hubert, in a letter dated the 18th of November, 1789, doubted if the province could furnish many students to undergo the higher training, when there was so great an extent of land to be cleared. Farmers desiring to provide for their children would destine them to agricultural life. Of the four towns, William Henry was uninhabited; Three Rivers did not merit the name; and Montreal and Quebec could send but few students. Some twelve of the youth of Montreal attended at the seminary of Quebec, where the greatest charge made was £12 a year. He considered that the period had not arrived for the establishment of such an institution, and gave no encouragement to the principle on which it was proposed to found it, that of freedom from all denominational religious teaching. On the other hand, he described the conventual establishments where youth could be educated. In answer to the question as to the numbers in each parish that could read and write, he estimated them from twenty-four to thirty; the women so instructed exceeded in number the men. He described the seminary of Quebec, its origin and usefulness, and advocated the system of education taught there and in the college at Montreal. He recommended that the jesuits' barracks of Quebec, should be applied to the uses of a college, with the revenues of the estates given for its support; the estates to be under the authority of the bishop, for the propagation of the

catholic faith, in accordance with the principal motive assigned in the original title deed for the grants. The French Canadians, therefore, as Roman catholics had an incontestable right to those estates. With regard to the common schools, education in the parishes should be consigned to the *curés*, and theology should always be taught in the seminary.

The letter of bishop Bailly, the coadjutor, was dated April the 5th, 1790. Previous to entering upon the views expressed by him, some account of himself is necessary, for his name is seldom mentioned without censure: with what justice the reader will be enabled to judge. Although known simply as bishop Bailly, his name was Bailly de Messein; he was born at Varennes in 1740. His parents possessed wealth, and at an early age he was sent to France, where he studied at the college of Louis-le-grand. He was distinguished equally by his polished manners and his attainments; although possessing many qualifications for public life, he entered the priesthood and was ordained in 1767. The following year, when only twenty-eight, with the title of vicar-general he was sent to Nova Scotia, in charge of all missions east of Kamouraska, including cape Breton and the present Prince Edward island, being the first missionary sent from Canada after the conquest. His letters rendering an account of the missions are yet read, and are described by those who do not write favourably of him as recalling "*les admirables relations des jésuites.*" At the end of three years he returned to Canada, and was appointed a professor of rhetoric at the seminary.*

During the siege of Quebec, in March, 1776, M. Bailly,

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*[The Nova Scotia Indians, on making peace, had received a promise that a priest should be sent to them. In consequence of their urgent request for the fulfilment of this engagement, lord William Campbell, the governor of the province, applied to lord Dorchester at Quebec to procure the appointment of an ecclesiastic. Bailly being selected, reached Halifax in July, 1768. His religious duties were principally directed to the Indians and the well affected Acadians. He is mentioned with high commendation, and there is no trace that I can find, as stated in the biography given of him, that he was "*fatigué, sans doute gêné par les tracasseries des protestants fanatiques de la Nouvelle Ecosse.*" In 1772 he obtained leave to visit Quebec, and did not return to Nova Scotia.]

being a devoted loyalist, joined M. de Beaujeu in an organization to attack point Levis. The small party of loyalists was surrounded by a force greatly outnumbering them, and defeated. Some of them were killed and wounded, among the latter Bailly, severely, who was made prisoner.* On being set at liberty, he returned to the seminary, and in 1777 was appointed *curé* at Pointe-aux-Trembles.

Bailly's loyal conduct, educated ability and polished manners recommended him to the attention of Sir Guy Carleton, and on the return to England of the governor in 1778 Bailly accompanied him as tutor to his children. He remained in this position during four years, at the close of which he re-assumed his clerical duty as *curé* at Pointe-aux-Trembles. When Carleton appeared in Canada as lord Dorchester, the former kindly relationship was renewed, and on the occasion of electing a coadjutor to bishop Hubert, Bailly was elected through the influence of the governor-general, his biographers tell us, against the wish both of the old bishop Briand and of his successor.† Indeed, from the very commencement he was treated with studied discourtesy. He was not summoned to Quebec to take part in the affairs of the diocese; on the contrary, he was kept at Pointe-aux-Trembles to the duties of his *cure.* We have Bailly's own words, that the bishop wrote him that he was coadjutor only to assure the episcopate, not to assist the bishop, to whom God had given the health and strength to conduct his diocese himself.‡

In 1788 bishop Hubert published a *mandement,* in which

* [Ante., Vol. VI., p. 28.]

† "Ce choix disons-le de suite, était loin de sourire à ce dernier, pas plus qu'au vénérable Evêque Briand, mais ils n'osèrent refuser le gouverneur, qui s'était montré si favorable aux interêts Catholiques." [Mandement des Evêques de Québec, Vol. II., p. 346.]

‡ "Je sais qu'en qualité d'Evêque titulaire vous ne me devez rien; et vous avez eu la complaisance de me le dire et de me l'écrire, que je n'étais coadjuteur que pour assurer l'Épiscopat, non pour vous aider; que Dieu vous avez donné assez de santé et de force pour conduire par vous-même votre diocese." Lettre de Mgr. Bailly a Mgr. Hubert, 22nd April, 1790. Published in the Quebec *Gazette* of the 29th of April.

he severely arraigned his clergy for their frequent absence from their parishes, and their many irregularities. He described the consequence of this conduct, that many in dying had not received the last sacraments, that the dead often remained without burial for several days, that parishes were complaining justly of the non-residence of the clergy and of their repeated and long absence. He set forth, likewise, that there was much to condemn in the mode followed in receiving confessions, and he laid down stringent regulations on the subject in twelve articles. No *curé* could hear a confession at a greater distance than three leagues from his ordinary residence; no *curé* of a country parish could receive a confession in the city. The *fêtes* in parishes brought no privilege to the *curé;* no priest could preach without permission in a parish where he could not confess, with much else of this character.

The whole consisted of seventeen articles, the sixteenth article is discreetly left blank in the printed narrative, so we do not know to what lapses of conduct it applied.

It is exceedingly possible that Mgr. Bailly considered that much of this circular was directed against himself, as *curé* of Pointe-aux-Trembles; for owing to his recognized ability, his charm of manner, and his good birth, at the same time being a dignitary of the church, he was frequently at Quebec, a welcome visitor at government house; and received by everybody of distinction, for he was generally held in the highest esteem. In any case he felt himself called upon to reply, and he sent a copy of his letter to the Quebec *Gazette*, in which it appeared on the 29th of April, 1790. It would have been different, he wrote, if the censure had been written in Latin, and sent only in MS. to those to whom it was addressed. But given in French, it had been published, registered and countersigned. He thus felt called upon to protest against the opinions which the bishop had made public on the conduct of the clergy. He declared that the reproach directed against them was without foundation. Powers had been taken from aged

ecclesiastics who had always acted with prudence, which their age and local situation rendered necessary, while there was no knowledge that the abuses pointed out were prevalent. The clergy were deprived of the favours accorded them by the jubilee, and was it in Canada that the devoted children of the church should be punished? In 1784 and 1788 many of the clergy entirely renounced the *dîme* to aid the poorer *habitants* of the parishes.

Modern Roman catholic writers when they mention bishop Bailly's name do so with expressions of censure, that in the first place he should have made a public appeal of this character through the newspaper, and that he should in a matter of church discipline have invoked the opinion of the citizens.* He did so, however, on a point affecting public economy. A request had been repeatedly made to bishop Hubert that he would suppress some of the numerous *fêtes d'obligation* which impeded the exercise of industry. Bailly described them as a "scandal to our holy religion by the drunkenness and idleness they occasioned. Husbandmen, fishermen, the forges at Three Rivers were all idle on these days through devotion." Although this request had been often made, no answer could be obtained from the bishop on the subject. The bar, however, had ceased to recognize these days. What there was of civil life in these observances had been set aside by the advocates, who acted independently of them. Bishop Bailly sustained his views by the opinion of bishop Talbot, a doctor of the Sorbonne, who, in London, had expressed his surprise that the bishop of Quebec did not suppress some of the *fêtes* in a country where the season for work is so short.

Another law that bishop Hubert had established was that marriage could be performed on a Tuesday only. There would soon be, Bailly remarked, a new dispensation to pay.

* "Votre grandeur voudra bien me permettre les reflexions suivantes, elles ne sont pas les miennes seules, mais celles du clergé et des citoyens. . . Les citoyens ont eu l'honneur de s'approcher de votre grandeur pour obtenir la suppression de certaines fêtes."

The regulation had wrought great harm in the country parishes. Hitherto, as a rule, the rejoicings over a marriage had extended over two days, now they commenced previous to the appointed day, and were prolonged afterwards. Bailly called upon the bishop to take his letter in good part, and not establish a distinction between the crozier and the shepherd's crook, "*la crosse et la houlette.*"

It can be conceived that there would be little accord between the opinions of the writer of this letter and bishop Hubert in the matter of education. Bailly began by stating that the letter published as that of bishop Hubert was not in his own writing. It may be supposed that it was not an assertion lightly or idly made; he well knew the bishop's *entourage*, and could with certainty affix the authorship. Some one, he said, had had the effrontery to present the letter in the bishop's name. But as the letter set forth that no steps had been taken to consult the clergy, or the Canadians in general, the letter, if written by bishop Hubert, only represented his individual opinions. If, as he declared, the farmers preferred to leave as an inheritance to their children the pursuit of agriculture alone, rather than that of education, they must be descended from the men mentioned in the third chapter of St. John, who loved darkness rather than light. Indeed, this was an evil which the king's representative was making an effort to correct. The desire was to prevent an ignorant father from transmitting with his estate, from generation to generation, his own stupidity. For his part, he looked for the happiest consequence from the farmer finding, on the return of his son, that the doltish and clownish manners he had carried with him to college had been exchanged for those of decency and civility. Admitting that without education a numerous population may vegetate in ignorance, barbarism and fanaticism, who in Canada, in the bitterness of his heart, would not grieve that youth should be neglected to lead to that consequence?

Quebec, with a university, would be the centre attended by scholars from Nova Scotia and New Brunswick to the

east, and from the west by the new townships, New Johnstone and Lunenburg. Even at that date many from the country attended the college in Montreal.

After alluding to the universities of Europe, he met the question what rank the bishop would have in the new institution by stating he would hold the rank which belongs to merit and knowledge. He saw with pleasure the prospect of the catholic and protestant being protected by the same wise administration. The man calculated to fill the chair of a university ought to be one whose mode of instruction should be free from all matters irrelevant or foreign. A professor of astronomy would not commence by a treatise on the right of bishops to explain the law of motion. His view was that the ignorance prevailing in the country was very great, owing to the want of firmness on the part of the parents. With a university we should have zealous *curés*, generous seigniors, and *habitants* possessing good sense.

He considered that it was now the proper time to establish the university, and that the professors could be found in the province. He trusted to see the great and honourable enterprise pursued with diligence.

In November, 1790, Dorchester in bringing the matter to the notice of Grenville stated he had received a deputation of the bishops and some of the clergy, who informed him that there was an intention to present a petition for the appropriation of the jesuits' estates to the use of the province, as had been originally designed, in which proceeding they had been asked to take a part. Although impressed with the justice of the request, they had desired, before intervening, first to consult with him on the subject. Dorchester replied that it would be necessary for him to refer to the law officers of the crown, previous to expressing any opinion. In the same letter he states that there was a difference of view between M. Hubert and M. Bailly on the subject of education, and that there was a wide breach between them which he had unsuccessfully attempted to reconcile.*

* [Can. Arch., Q. 49, p. 21, 10th November.]

The committee of the council reported that there could be no difference of opinion as to the advisability of founding parish free schools in every village, for teaching reading, writing, and the elementary rules of arithmetic; and county free schools for giving instruction in the languages, grammar, the higher arithmetic, and practical mathematics, with book-keeping, surveying and other similar subjects.

The erection of a university on the European scale would be extravagant, in view of the wants of the country, which did not contain 150,000 inhabitants, with a great extent of wilderness to be reclaimed for cultivation. It was, nevertheless, to be wished that the youth of the province could obtain the necessary education to fit them for office of the highest trust. A college with one rector and four tutors was deemed sufficient. Theological tenets should form no part of instruction, the corporation to be created by letters-patent, to include the king's representative, judges and bishops, Roman catholic and protestant, with from sixteen to twenty other members equally divided as to religion, the visitation to be vested in the crown; all pronounced ceremonies of religious belief to be excluded.

An act of the legislature to be passed, assessing each parish for the support of the free schools. The extremely indigent to be exempt from charge, but their children to receive education. Sufficient appropriation to be made for the county schools.

The jesuits' estates were suggested as available for founding the college, with additional benefactions by grants of waste lands. The jesuits' barracks were represented as furnishing premises applicable to a university. When established, the university would supply the teachers for the inferior schools throughout the provinces.

These general principles, formulated into a series of resolutions, were unanimously carried in the council, but so much impediment was thrown in the way of the prosecution of the scheme that it was not persevered in. The fact however remains, that at this early period of the history

of the country the attempt was made to establish a system of free education within every parish, on a liberal and comprehensive principle; and that if the attempt failed, it can in no way be attributable to any want of beneficence or earnestness of purpose on the part of the British Government. It is plain that it could be brought into successful operation only by common support, and that one cause of the failure of the attempt was the unwillingness of the Roman catholic clergy to recognize any project that would invalidate the claim preferred by them to the exclusive enjoyment of the jesuits' estates.

At no great period after the occupation of Montreal, in 1760, which had led to the surrender of the French force and the cession of the province to Great Britain, Amherst, as the reward of his services, had received a promise from George III. of a grant of the jesuits' estates. It is not easy to determine under what circumstances or at what date the promise was given; it may, however, be assumed that it was shortly after the conquest. Amherst remained in command at New York until 1763, when he returned to England. The unsettled condition of Canada, succeeded by the years of the American revolution, sufficiently explain that no steps were taken to make good this engagement. The jesuits were permitted to remain in possession of their property, and in this interval the income was received by them; the amount that was not exacted for their own modest requirements appears to have been applied to the support of the seminary. Under any circumstances, it was not to be expected from the weakness of human nature that a project would be welcomed which diverted to other sources enjoyment of the income which for some years had been regularly received. The accomplishment of the foundation of the university would have applied to the uses of the new institution the money hitherto enjoyed by the seminary alone, and bishop Hubert well understood what the consequences would have been if the proposed university had been established. All that then could have been hoped under

the most favourable view was that only a moderate portion of the revenue would be apportioned to the seminary. The annual amount hitherto receivable had been nearly $5,000, the whole of which the seminary had enjoyed. The amount of the receipts, however, steadily increased, and in a few years, in 1810, the revenue reached $7,600. In 1789 four only of the jesuits were living; they were of advanced age and infirm, and on the condition that the estates should be directed to the education of the Indians and of the youth of Canada, they themselves being allowed the means of support, had renounced all claim to the property, freely, voluntarily, and *bonâ fide.*

It will effect no good purpose here to examine into these terms of renunciation. Even admitting the interest in the estate of those who made this concession, it would have terminated with their own lives, as was the case in 1800, on the death of the last member of the order, Jean Joseph Cazot. On his demise, the executive officially took the estates into actual possession by a legal instrument addressed to the sheriff of Quebec. The vague expression the education of the Indians, blended with that of the Canadian youth, was sufficiently elastic, setting aside the absence of mention of what this education should be.

Towards 1786 Amherst, by a petition to the crown, renewed his claim. On the 18th of August of that year an order in council was passed, in pursuance of which a commission was appointed at Quebec to learn the extent of the lands, their value, nature, and the tenures by which they were held. The examination was made on the avowed intention of granting a portion of them to lord Amherst. Of the nine commissioners, four are French Canadian names; among the British members is the name of James McGill, the founder of McGill university. A full and comprehensive knowledge was thus obtained of the property. *

* The following constituted the several properties known as the jesuits' estates :—

The proposed grant of the estates to Amherst became well known in Canada, and created wide dissatisfaction. In November, 1787, a petition was presented to lord Dorchester, enclosing a memorial setting forth the claims entertained by the people of Canada to the property for the purposes of

1. Fief and seigniory of Notre Dame des Anges, commonly called Charlesbourg, near Quebec, 1 league in front, 4 leagues in depth.
2. " " Saint Gabriel, known as Old and New Lorette, ½ league in front by 10 leagues deep.
3. " " Sillery, on the Saint Lawrence, 1 league in front by 1½ leagues in depth.
4. " " Belair, commonly called Bonhomme mountain, 1½ leagues in front, 2 leagues in depth.
5. " " Isle des Ruaux, below the island of Orleans, 1½ leagues in breadth, 8 arpents in depth.
6. A farm called La Vacherie, near the côte Saint Geneviève, at Quebec, of 73 arpents.
7. A tract of land in the seigniory of Lauzon, of 29 arpents, opposite the river Cap Rouge.
8. Several plots of land in the seigniory of Lauzon, on the south shore of the Saint Lawrence.
9. A plot of land at Tadousac.
10. Several plots of land in Quebec, some obtained by purchase, some by exchange.
    " " Three Rivers.
    " " the city of Montreal.
11. The Seigniory of Batiscan, 2 leagues broad and 20 deep.
12. " " Cap de la Madeleine, in the river Saint Lawrence, 2 leagues broad by 20 deep.
13. " " Laprairie de la Madelaine, on the Saint Lawrence, below Montreal, 2 leagues broad, 4 leagues deep.
14. " " Saint Louis, on the south bank of the Saint Lawrence, adjoining the seigniory of Laprairie, 2 leagues square. Granted to the jesuits, 29th of May, 1680. This property was subsequently transferred to the Caughnawaga Indians, in whose possession it remains to-day.

The approximate total extent of landed property held by the jesuits at the time of their suppression may be thus given :—

District of Montreal.....	48,000	arpents.
" Three Rivers	439,000	"
" Quebec....	129,500	"
Total....	616,500	"

education. These documents were signed by 195 persons, and were forwarded by Dorchester to Sydney. It was there claimed that the Canadians should be placed in possession of the estates, in order that they could obtain the education for which the several donors had made provision by their munificence, that it was the citizens and inhabitants of Canada that constituted the possessors, who formed the true corporation for whose interests the jesuits, although nominally holding the property, were only administrators. The principle was clearly set forth that the estates in no way belonged, in independent possession, to the jesuits as an order, but had simply been placed under their control as directors, to devote the proceeds to the purposes of education. The *mémoire* asked that an assembly should be called, to consist of the heads of families and land-owners, by whom a proper number of managers should be elected, to expend the revenue in the manner desired.

The subject frequently came before the legislature, at different periods. Finally, in 1831, the estates were placed under the control of the assembly. I will relate these proceedings at the dates when allusion to them is called for.

The great dissatisfaction felt by the tribes whose villages were to the west and south-west of lake Erie, that their interests were unprovided for in the treaty, had in no way subsided. They had not been even mentioned in its provisions in any form, and there was no record to shew that their condition had, in the slightest degree, been considered. The inference was forced upon them that the country they inhabited had been abandoned to the United States; and their entire hunting grounds extending to the Mississippi, unconditionally recognised as within the frontier of the republic, to be taken in possession as might be expedient. The incompetent British negotiators no doubt held that the consideration of the Indian tribes was a question of slight importance, if ever they gave consideration to it at all; in no way remembering what on this point was called for by the honour of their country, the enforcement of justice to the Indian tribes

who had fought on their side. The negotiators on the part of the United States were certainly not called upon to consider the obligations of British statesmen. If the spirit of justice and right had prevailed, it is clear that a clause should have been introduced to the effect that in determining the limits of Canada it was to be understood that the boundary, as described, did not sacrifice the rights of the Indian tribes south of the line to the Ohio and west to the Mississippi. It does not redound to the good fame of Great Britain that this plain duty was neglected. Indeed, the omission of all mention in the treaty of the Indian tribes of the west, hitherto under British protection, can be regarded in no other light than as a national act of wrong.

There was no fear on the part of the tribes that if they made their future homes in Canada they would receive bad treatment. On the contrary, they felt that if driven from their territory places of refuge would be provided for them. But they had determined that they would not abandon their homes and villages; on the contrary, that they would vigorously defend their possessions. They saw every indication that settlers were entering their territory to take possession of their lands without right and offering no compensation. In the emergency, they applied to the British agents domiciled among them for counsel and aid. Dorchester, unable to promise them active support, gave careful instruction that no engagement should be made which could not be righteously fulfilled. At the same time he ordered that, when circumstances so dictated, such of them as were in need and destitute should be clothed and fed.

The years succeeding the peace were thus marked by dread of an Indian war with the United States. A feeling of great bitterness was entertained on the part of the Indians, and it became so intensified that they proposed to proceed to Quebec, that they might learn what assistance would be granted to them in any attempt to sustain their rights. Dorchester wrote to Sir John Johnson that, without causing them offence, they should be prevented making the journey; and

that they must be given to understand that no power was possessed in Canada to begin war, that such a war would involve half the world in bloodshed. But they might rest assured that the king would do his best to secure them a solid peace.*

No one could have more ably or more pertinaciously laboured than Dorchester to mollify their angry feelings and to prevent active measures of hostility being taken. Nevertheless, many United States writers attribute to British intrigue the unsettled condition of the west, forgetting that for their own aggrandizement settlers, in opposition to Indian feeling, were taking possession of the lands. Every consideration pointed to the opposite policy on the part of the Canadian authorities. There were but few troops in the country, and the militia act was unpopular; there was likewise the strongest desire to reduce the expense of the Indian posts. What really caused the difficulty was the determination to enter into possession of the land north of the Ohio without giving any equivalent, and the resolution of the Kentucky settlers to attain the end by force.

An armed force made an inroad into the Shawnee country, north of the Ohio, burned villages, destroyed crops, killed the males who resisted, and carried off as prisoners the women and children. The attacking force was principally composed of volunteers from Kentucky, under Logan. The Indians had resolved to hold a congress to consider the policy they would follow; but the proposed place of meeting was laid in ashes, consequently they selected another locality where they could assemble, near the mouth of the Detroit river.

A council was held on the 28th of November, and also on the 28th of December, 1786; at the first meeting it was resolved to send proposals for peace, and that a meeting should be held in spring to determine the boundaries of their possessions. They asked in the meantime that surveyors should not cross the Ohio. Thus, if fresh ruptures occurred

* [Can. Arch., Q. 27.1, p. 86, 27th of November, 1786.]

they would be able to exculpate themselves. At the second meeting, McKee, the Indian agent, appeared on the part of the government. His presence led the Indians to complain that they had not been mentioned in the treaty of peace. After hearing the course they had taken, McKee told them that they had to meet the situation in which they were placed with firmness and calmness. Upon this, they desired to be informed what assistance would be given them in the event of a reasonable peace not being attainable.

In spite of this opposition on the part of the tribes, settlement on the Ohio territory continued to be encouraged by the United States authorities. The desire was to establish a population round the lakes and westward to the Mississippi. In 1788, St. Clair was appointed governor of the territory. St. Clair had been in command at Ticonderoga in 1777, and had evacuated the fort on Burgoyne's attack in July. There appears to have been on his part a genuine desire to maintain peace; but aggression took place on both sides, and constant hostilities were committed on the new settlers. St. Clair strongly remonstrated against these violent acts, and threatened reprisals. The chiefs declared that they likewise desired peace, but they could not control their young men, who were indignant that their land should be taken possession of in their despite. The emigration to St. Clair's government was in excess of all calculation. Armed parties from New England, regularly officered, proceeded to the western lakes to take possession of the land independently of congress. Indeed, congress at this date was entirely without power to exercise authority in the western territory. As it was felt that the navigation of the Mississippi was indispensable to admit the passage of their products to the ocean and to obtain what was required from the seaboard, the new settlers were prepared to force the passage of the river in defiance of the Spaniards and without regard to congress. Those who came from Kentucky acted with extreme independence, for the determination had been formed of separating from Virginia. In November, 1788, fifty

mounted Kentuckians killed some ten or twelve Indians who were employed hunting for fort Vincennes and were thus under United States protection. St. Clair strongly rebuked the act without obtaining attention to his remonstrances.

The meeting proposed between the Indian deputies and the United States authorities could not be held, owing to the chiefs having refused to go to fort Harmer, at the junction of the Muskingham with the Ohio, and St. Clair having declined to hold the meeting at a spot some distance up the river. The Indian offer of a boundary was not accepted, and on their part they objected to the limit assigned them by St. Clair.

Fort Washington was established in 1790 where the city of Cincinnati now stands. In April of this year, Harman with 100 regular troops and 230 Kentucky volunteers marched to the Sciota. He found the Indian camp deserted. In October, having been reinforced with 320 regulars and 1,100 Kentucky and Pennsylvania volunteers and militia, he attacked the Miami Indian village, the site of the present town of Chilicotte. The Indians fled, the village was burned, and the crops were destroyed. Colonel Hardin, sent in pursuit with 150 Kentucky volunteers and 30 regulars, fell into an ambush, some six miles from the village. The Kentucky men immediately took to flight. The regular troops made a stand, and were mostly killed or wounded.

The Indians followed up their success by a demonstration against Harmer's camp, upon which he commenced a retreat; but on the second day he halted and detached Hardin with sixty regulars and 300 volunteers to oppose the Indian advance. Apparently the Indians gave way until a point was reached, when they became the assailants. Hardin's force was defeated, leaving 150 dead on the field, fifty of whom were regular troops. Harmer after this second affair retreated whence he came.

Another battle was fought on the 3rd of November, 1791, near Miamistown. The United States force was composed of 1,500 regulars and 800 militia. The Indians numbered

some 2,000. Two attacks made by the Indians were repulsed. On their third attack, the line of the United States was broken, and the force defeated with great loss. Butler, the second in command, was killed, with the adjutant-general and the surveyor-general. The loss of the Indians was about fifty, that of the United States troops severe.

The cannon and camp fell into the possession of the Indians, together with much official and private correspondence. The disaster caused serious apprehension in the frontier settlements, and public opinion throughout the states was greatly excited. The government of Canada made every exertion to bring about a peace, but the offer of mediation was persistently declined. On the part of sir Alured Clarke, then at Quebec as commander of the forces, there was the strongest possible desire to find a peaceful solution to these dangerous complications. The correspondence which had fallen into the possession of the British shewed that the same feeling prevailed with the United States' war authorities. They had written that hostilities with the British nation were by every means to be avoided, for they would retard the growth and happiness of the country. So far as influence could be exercised, without the sacrifice of what was held to be the just rights of the Indian, the most earnest efforts were made to restrain and pacify the several tribes. The history of these days establishes the prudence and forbearance of the government in Canada in this difficult duty. It was the presence of the armed expeditions that were directed to their hunting grounds which led to the resistance of the Indians. No other result, indeed, could be looked for than that they would attempt the destruction of all whom they held to be intruders. For some months they were able successfully to assert their rights as possessors of the soil. But it was a struggle in which failure was inevitable: the weak against the strong; the rude efforts of the Indian trusting to natural strength and courage, against the discipline of civilization sustained by overwhelming numbers.

Hope, the lieutenant-governor, had died in 1789, but no successor to him was named until the autumn of 1790, when Dorchester was notified of the appointment of sir Alured Clarke, with the intimation that he could leave for England on Clarke's arrival. Dorchester had applied for leave the previous year, but, with the sense of duty which distinguished him, he had written to say he would give up his desire of going home if his presence was required in Quebec.* Even when the notification of this appointment was made, he was asked not to avail himself of the permission then granted should circumstances suggest his continuance in Canada. The lieutenant-governor arrived on the 7th of October, and was sworn in on the following day.

Little is known of the youth of sir Alured Clarke, but he is supposed to have been the son of Charles, baron of the Exchequer, his uncle being the dean of Exeter. He was born about 1745, so at this period he was about forty-six years of age. He had served in Germany in 1759 under lord Granby in the 58th regiment. In 1776, as lieutenant-colonel of the 54th, he proceeded with Howe to New York, and in the following year exchanged into the 7th Fusiliers. There is no detail of his service in the revolutionary war. It is known that many of his letters are to be found in the Cornwallis papers. He may have been with him in his Carolina campaign and have served at Yorktown. In 1782 he was appointed lieutenant-governor of Jamaica, where he continued until 1790, acting as governor in 1789. In July, 1791, he was appointed colonel of the 60th foot and received the rank of major-general. It was at this date he was named lieutenant-governor of Quebec.†

* [Can. Arch., Q. 45.2, p. 516, 7th July, 1790.]

† From Clarke's distinguished position, which entailed upon him the duty of inaugurating constitutional government in the dominion, a few words may be given to his subsequent career. In August, 1794, he proceeded to Gibraltar. In 1795 he was sent with reinforcements to India. It had been arranged that he was to co-operate with admiral Elphinstone, afterwards lord Keith, in the attack on Capetown, Cape of Good Hope. On the 14th of September the colony capitulated, and Clarke proceeded with the reinforcements to Bengal. He

The census was again taken in 1790, but with little provision to assure correctness. The total population of the province of Quebec proper, independently of the U. E. loyalist settlements on the Saint Lawrence westward from lake Saint Francis, is given at 129,311 souls. The cities of Quebec and Montreal were not taken into account. Without including them, the district of Quebec is set forth as containing 47,465 souls; the district of Three Rivers, 15,958 souls, embracing the town of Three Rivers returned as containing 1,213 inhabitants. The population of the district of Montreal is given as 65,885. Adding 15,000 for the two cities of Montreal and Quebec, the total population would then have amounted to about 146,000. In the public documents of the day and in the debates on the Canada bill the number given is 150,000; if the census of 1790 be accepted, it may be assumed that this statement is approximately correct.

The episode of Nootka sound, which took place in 1790,

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served as the commanding officer of this presidency until 1798, when he became commander-in-chief of India, and in this capacity accompanied sir John Shore to Lucknow. He continued in his post until 1801, under the marquis Wellesley, when he returned home. He was frequently employed after this date on boards of general officers. Finally, he received the dignity of field marshal, and died in 1832 at the age of eighty-seven.

* There is difficulty in reconciling these figures with the official census taken under the direction of the government in 1784 and reported to the home government. The details of the census I have given [ante., p. 204.] There is no official account of the census of 1790. The figures we possess are taken from the modern census returns of 1870–71, vol. IV., p. 76. We are there informed (p. xiii.) that they were "Found in the Archives of the Court House, Montreal." The compilers arbitrarily, and I conceive unwarrantably, estimated the population of the two cities on the proportion of the previous and following census: Quebec at 14,000, Montreal at 18,000. Let us apply the test invoked. No census is given between 1784 and 1825, an interval of forty-one years.

The comparison stands:—

	1784	1825
Montreal	6,479	31,516
Quebec	6,491	22,101

It must be kept in view that thirty-five years had elapsed since the passage of the Canada act, and the impulse had been communicated by forty-one years of peace and active commercial development, to a great extent aided by the

created anxiety in Canada, from the probability that a war with Spain would induce the United States to attempt with an armed force the seizure of the western posts, an act which would have led to war.

The facts briefly stated are that Spain claimed by previous discovery the entire territory on the northern Pacific along the coast of California to the Russian possessions. In 1789, a Spanish ship-of-war finding some British vessels trading in Nootka sound, an inlet of Vancouver island, seized them on the ground of committing a breach of the Spanish navigation laws. The vessels were the property of a company established to trade between the western coast and China. Two vessels had been fitted out under the command of a lieutenant

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progress made in the settlement of Upper Canada. At this date the population of the last named, was, 158,293, of Lower Canada, 479,288.

The actual total increase of the population of the cities in the forty-one years since 1784 was :—

Montreal..... .....31,516 – 6,479 = 25,037
Quebec. .... 22,101 – 6,491 = 15,610

Yet the compilers of the census ask us to believe that between 1784 and 1790, six years, these two cities increased in population half of this total ; in other words, that in six years the population of Montreal increased to threefold and Quebec to two and a half its former amount, as follows :—

Montreal..... ....18,000 – 6,479 = $\frac{11,521}{25,037}$

Quebec .....14,000 – 6,491 = $\frac{7,509}{15,610}$

Such a statement requires no argument to confute it. For my part I look upon the census of 1790 as unreliable. It appears to have been a calculated approximation, rather than an authentic document. There is a *mandement* from bishop Hubert [Mandements, vol. II., p. 396] by which the priests are called upon annually to send the census of the parishes in conformity with a form which was enclosed. It was accompanied by a letter to the *archiprêtre*, 22nd December, 1789, in which the bishop states his repugnance to undertake the duty, that he troubled the *curés* unwillingly, but it was important not to disoblige the government so full of consideration for them and their religion, and that the governor had it much at heart. It might be performed during a religious ceremony in January, " parce que la quête de l'enfant Jésus qui se fait en Janvier donne une grande facilité pour remplir le premier tableau, et que ceux des années suivantes pourront être remplis d'un trait de plume en ajoutant ou retranchant sur le nombre du premier duquel chacun peut garder une note par-devers soi."

Mears. He had made one voyage to China with the furs collected by him, and having obtained a title to the possession of land at Nootka sound, from the chiefs of the Indian tribes of the country, buildings had been erected and the place became the seat of the newly established trade. The Spaniards having seized and confiscated the vessels, a demand was made by the British government for restitution and compensation.

In May, 1790, a message was sent by the king to parliament, to the effect that as Spain was increasing her force, as if preparing for hostilities, he had ordered the necessary preparations to be made to protect with vigour the interests of his subjects and the national honour. The appeal was answered by an assurance of full support. These efforts were persevered in on both sides and war seemed imminent. Fortunately the course of events led to another conclusion: on the 24th of July, two months after the royal declaration, peace was assured by Spain having agreed to make full reparation.

Had the French monarchy possessed the autocratic power which fifteen years back it had exercised, when it engaged in the war of the revolution for the main motive of humiliating Great Britain, it is not impossible war would have resulted. Spain had made the direct demand on France for support, in accordance with the treaty of the family compact. The national assembly, however, had foreseen such a contingency, and a vote had been carried, that the power to declare war was vested in the assembly alone. Spain, without the hope of support from France, and disinclined to engage in the contest unaided, accepted the claim of Great Britain. A convention was entered into on the 28th of October, by which reparation was made for the injury received; and it was conceded that the ships of Great Britain should possess equal rights with Spain in any commercial enterprise on the coasts of the Pacific, hitherto claimed to belong to Spain alone. Satisfaction was given for the injury received, and the territory

seized was restored, British ships of war having been sent formally to receive it.

The remarkable feature in this event is that at this early date the facilities of trade between the western coast of this continent and China were understood. China, without regard to the British-Indian possessions at that time, was the sole objective point of the Pacific trade, and furs and fish were the only articles sent from America. This continent now offers a route for an interprovincial commerce from imperial London to every port in the eastern seas. Canada has become the highway to the opposite shores of the northern Pacific, from Kamschatka to Ceylon, and to New Zealand, Australia, and the peninsula of Singapore. This trade is still but in its infancy. It is impossible to foretell the extent it may reach when developed with skill and energy.

It was from this event that the voyages of Vancouver were undertaken, which, beginning in 1790, were continued to 1795. One of the objects was to determine if there could be found any navigable communication on the north of the continent between the Pacific and the North Atlantic ocean. The name of this navigator is still preserved in Vancouver island. It was his discoveries which demolished the imposture of Juan de Fuca, who claimed that he had discovered the connection by the strait, which still bears his name, with the northern sea to the Atlantic ocean: an assertion which obtained credence to beyond the half of the nineteenth century.

CHAPTER III.

The question of land tenure came before the council in 1790, a committee having been named to report upon the comparative advantage of the seigniorial tenure as established by French law and that of the British tenure of free and common socage. The committee reported that the settlement of the province had made slow progress and was confined to the banks of the Saint Lawrence and its principal tributary rivers, and that, generally, the land a short distance from the main river remained uncultivated, in the condition of the original forest. This backward condition was attributed to the ancient tenure, the continuance of which must retard all improvement; and the introduction of the British tenure of free and common socage was advocated, as essential to the increase, prosperity and security of the country. It was contended that the change would be beneficial to the seigniors themselves, for settlement would then be accelerated and the land in their possession would generally rise in value. The conclusions of the report were to the effect that a measure of this character could be enacted only by royal consent; and as an absolute and universal change, although eventually leading to satisfactory results, would be a matter of doubtful policy, a permissive act, which should accord the new tenure to those desiring it, would be more advantageous. Consequent upon these proceedings, an ordinance in accordance with this recommendation was introduced into the council. It was immediately met by a protest on the part of several of the seigniors, as threatening the fundamental principle on which their property was held, with the further objection that it would likewise be prejudicial to the labouring population. Amid this general opposition, one seignior only, M. Charles

de Lanaudière, advocated the measure. The majority contended that it would not merely alter the tenure of land, but would affect the entire law of property and succession. M. de Lanaudière wrote, in no measured language, of the depressing influence of the French system. He was the fourth possessor in succession of thirty-five square leagues, thinly settled. The province, he argued, was in its infancy and required population. Was it to be hoped that foreign immigrants would accept a system that they had been taught to detest at home? For his part, he desired that the government would resume the possession of his seigniory, and regrant it to him on the tenure of free and common socage.

No further steps were taken, but the proceeding is worthy of notice, as being the first measure proposed for the abolition of the seigniorial tenure, which was only effected in 1854. Consequently two generations have entered upon active life since the change was made.

The tenure was introduced with the design of creating a population kept in check by the controlling influence of a superior class.* It has been argued that it led to a more equal division of land, in itself conducive to the general happiness, by the establishment of a well ordered agricultural community; and that to no small extent we may trace to the system the good manners and invariable politeness which distinguish the inhabitants of the Quebec parishes. On the other hand, it has been asserted that not only the *censitaire* was bound and fettered, but the whole community was enclosed within "hinged doors from earth to heaven," † that improvement was paralysed, the operations of the capitalist

* The first grant on record under the old system is held to be that of Notre Dame des Anges near Quebec, to the jesuits in 1626. The second in the same year to Louis H bert of his several properties, viz., Saint Joseph, or L'Espinay, Saint Roch, Sasseville and Sault-au-Matelot; the latter, a small piece of ground, bears date in 1632. The third, in 1634, to Robert Gifford as seignior of Beauport. Fourteen seigniories and fiefs were granted before 1620. [Abstracts of the *Actes de Foye et Hommage*. Archives report, 1885.]

† "L'enferme sous portes et gonds du ciel à la terre."

fettered, so that manufactures and advance in the economy of life were made almost impossible.

The seignior himself was bound to concede lands when called upon, and was without power to alienate validly by sale any part of the seigniory, cultivated or uncultivated. The party to whom a concession was made agreed to pay a rent charge, known as "*cens et rentes*," owing to which he was called the *censitaire*. Ordinarily, it consisted of an annual payment of about two sols (sous) the arpent; being limited by no law, legally this amount became a matter of contract. Even during French rule the seigniors frequently inserted conditions in the deed of concession in excess of the rights possessed by them. Many exacted exorbitant *cens et rentes;* in some cases there was a refusal to concede; in others a premium was demanded for the grant. The irregularities in this respect led to the intervention of the French government, which, by an edict in 1711, enforced, when applied for, the grant of land on condition of payment of ground rent. This provision was confirmed in 1732. It was also provided, that seigniories, after two years' possession, might be confiscated if proper steps to assure settlement had not been taken. The edict likewise forbids the seigniors to increase the ground rents, and prohibits their selling the land, under penalty of the contract being declared null and void.

The charge which weighed most heavily on the *censitaire* and impeded the progress of the country was the *lods et ventes*. When the property passed by inheritance to the next of kin, no fine was payable; but on every sale, the seignior became entitled to one-twelfth of the purchase money. This right was accompanied by the *droit de retrait*, by which the seignior, within forty days after the sale, could take the property for the price stipulated in the deed of sale: a right created for the protection of the seignior against fraud, by the insertion in the contract of a lower price than that actually paid for the property, in order to reduce his claim for *lods et ventes*.

The system operated most injuriously in the cities and

larger villages, in the latter often preventing the sale of property and stopping all improvement; and the *droit de retrait* was an impediment to a proprietor's selling his property at a lower price to a relative or to anyone he desired to serve.

The seignior possessed the right of the *banal* mill, at which, alone, all the grain grown on the seigniory might be ground, he receiving as his perquisite one fourteenth part of the grain sent to the mill.

The seignior, on his part, was bound by certain obligations to the crown; he had to render *foy et hommage* and to pay the *quint*, the fifth part of the price on any mutation of title. He never possessed any of the ancient feudal rights as they had existed in France. The system had mainly in view the creation of a class of obedient, well ordered colonists, on the principle that the seignior did not hold the land for himself, but, consistently with the public welfare, as the trustee for those who were willing to work it. It had indeed grown out of the circumstances in which the country had been placed. In 1627, the company of the *cent associés* was formed under Richelieu's guidance; in 1663 the company abandoned its rights. In 1664 Louis XIV. established the company *des Indes occidentales*. In 1674 this company remitted its charter to the king.

It would appear by the seigniorial title deeds extant that until 1672 the grant to the seigniors was made by the intendant on the authority of the companies. We read in the conditions that the reservation of the mines, ores and minerals is made in favour of the king, or the *Compagnie des Indes Occidentales*. The last of these grants are dated in October and November, 1672; they bear the signature of Talon, whose efforts to develop the fortunes of Canada were so able and constant. After this time, the grant was made by the governor-general, direct from the crown, and the reservation is made in favour of the king only, without allusion to the company. De Frontenac at this period held the office of governor-general, and there is a grant from him of this character of the 5th of August, 1672. The rule was followed

until 1674 and was continued until the conquest, the seignior deriving his right directly from the crown, through the governor-general.*

The abuses which had arisen under French rule continued after the conquest. The possession of a seigniory had become to some extent a matter of commercial speculation; high rents, with onerous conditions, were often exacted; reserves were made on the part of the seignior of the timber on the land fit for building purposes; the stone quarries were held to be his property, for his own or for the public use; many seigniors claimed a right over the river shore, and a portion of the catch of fish; pretensions were likewise advanced to the exclusive use of the unnavigable stream running through the property, on the ground that the seignior alone possessed the right of constructing mills and carrying on manufactories. One effect of the *lods et ventes* was that if a *habitant* made any improvement on his lot and after his death his family disposed of the property, they had to pay the seignior one-twelfth of the additional value caused by these improvements.

In 1845 an act was passed permitting commutation when demanded, but it failed to have any effect. It was only by the act of 1854 that the tenure was abolished. This act released the land from the charges with which it was burdened, while respect was paid to the rights of the seignior. The *habitant* was freed from all charge upon his land, except the small annual rent which, as the right of redemption was given, obtained the character of a light privileged mortgage. The seignior received payment for all his other lucrative rights recognised by law, and the unconceded land became his property, to be held under the French law in *franc aleu roturier.*†

Thus it was not until sixty-four years after the first attempt to remedy the defects of the seigniorial tenure,

* Titles and documents relating to the seigniorial tenure, pp. 124–5.

† Ante., Vol. I., pp. 92, 364; Vol. II., pp. 293, 504; as to the early establishment of the seigniories.

that the system was abolished. The course followed by parliament on that occasion furnishes one of the most pleasing chapters in Canadian history. This legislation effected a peaceful revolution in the position of the agricultural population, and its influence and tendency, even now, are but imperfectly developed.

Although the subject is entirely beyond the scope of my labours, a few sentences on the subject may not be regarded as out of place. Commissioners were appointed to make *cadastres* of the several seigniories, but before any direct step was taken, a tribunal was constituted of the judges of the court of appeal and judges of the supreme court to determine what were the undisputed rights of the seigniors and what obligations the *censitaires* were called upon to redeem.

Judgment was rendered in May, 1856. The seigniors were declared bound to concede lands to *censitaires* when applied for, and to have had no power to alienate by sale the uncultivated land ; no law had established the rate of the *cens et rentes*, which was, therefore, a matter of contract ; and such *corvées* and *servitudes* as had been agreed upon as a part of the duty of the *censitaire* were recognised.

The right of the *banal* mill was affirmed according to the *arrêt* of 1686. The *censitaires* were declared the owners of the unnavigable streams running through their properties : an important decision in view of the claim of the seigniors, that they alone had the right of erecting mills and of establishing manufactories.

The legality of the *lods et ventes* was beyond dispute.

The legislature undertook to indemnify the seignior in money for the rights declared to have been his. The cost was made a national charge ; an amount approximately equal was granted to the Upper Canada municipalities, and a proportionate grant was likewise made to the townships in Lower Canada, where the seignioral tenure had never been introduced. The total charge to the province of the measure was about ten million dollars. The seignior was thus

indemnified for the *lods et ventes*, the *banalité* and all other lawful charges imposed upon the *censitaire*, excepting the *cens et rentes*, which were left as they were. The amount of the *cens et rentes* on each separate lot in a seigniory was fixed in the *cadastre* and made a privileged charge, redeemable by payment of the sum, the interest of which, at six per cent., would equal the annual rent recorded.

The seignior received interest at the rate of six per cent. on the estimated value of his rights until paid, the estimated value of the rights of the crown being first deducted. The unconceded lands were granted to him in *franc aleu roturier.*

The description of this settlement, which I have felt myself called upon to give, will simplify any future reference to the subject. *

After much hesitation, the imperial authorities had resolved to submit to the house of commons an act dividing the province into Upper and Lower Canada, a decision forced upon, rather than inaugurated by them. The agitation for

* It is relevant to state that this beneficent measure was enacted by the parliament of the province of Canada almost a quarter of a century previous to the foundation of confederation, in 1867. Mr. justice Drummond, then attorney-general, introduced the measure and carried it to a conclusion. He was ably aided by Mr. justice Dunkin, at the time advocate for the seigniors. The act itself owed much of its form and freedom from ambiguity to Mr. Wicksteed, Q.C., law clerk of the house of commons. At that date the office was of a widely different character to what it is at this time, the law clerk then being the confidential assistant to the legal members of the government, a duty now performed in the office of the minister of justice. Mr. Wicksteed, as I am writing, is the sole survivor of his contemporaries; he is in his 95th year, and his intellect as active and as bright as in his most vigorous years. He has done me the favour to read the narrative I have given, so I unhesitatingly claim for it the weight of an unimpeachable record. Mr. Wicksteed, in a volume of fugitive pieces, "Waifs in verse," going back over nearly seventy years of his honourable life, in a note, p. 170, furnishes some information of great value concerning this act, which I deem it a duty to append. "The Seignorial Act was passed in 1854. Mr. Drummond brought it in and very ingeniously contrived the Seigniorial Court, which finally settled the disputed points relative to the tenure. Mr. Dunkin most ably and zealously

a change in the constitution had commenced immediately after the peace, by the demand for the establishment of a house of assembly and the trial by jury in commercial cases, concessions sought almost entirely by the English-speaking inhabitants. Their theory for the constitution of the house of assembly was to create it in such wise that the legislative power would be retained by themselves, although constituting a minority in the province by no means numerically strong. Mr. Lymburner, when in England, asked that the governor of Lower Canada should be instructed so to apportion the members that half the representatives should be chosen by the towns, evidently on the theory that by this distribution English-speaking members would be returned* in sufficient numbers to constitute a majority.

Lymburner was a Quebec merchant of education and character who had been selected in 1788 to represent the Canadian committee in London,† a proceeding most probably

explained and defended the rights of the Seigniors, and I, with the potent aid of Mr. Hincks, succeeded in getting the *lods et ventes* abolished, the Seigniors being compensated on equitable terms out of the provincial funds. Mr. Drummond and his friends wished to apply the government aid to the reduction of the heavy rents exacted by some Seigniors, but these, if unlawful, could be reduced by the court: the *lods et ventes*, a fine of one-twelfth of the value, *not of the lands alone*, but *of all buildings and improvements on it*, were perfectly lawful, but were a hindrance to all improvement and to all free dealing with the land, while they were a constant source of attempted fraud on the Seigniors and of vexation to tenants: and no fair terms of compensation by the tenants for their abolition could be contrived, because, while they bore so heavily on those who wished to improve, or were willing or compelled to sell their lands, they were not felt by others who had their lands from their fathers and meant to leave them to their children. Mr. Drummond for some time opposed the amendment, but eventually acceded to it. The Act went into force and was perfectly successful; so completely was every difficulty removed under its operation, that in the Act passed in 1856 for codifying the laws of Lower Canada the commissioners were forbidden to say anything of the Seignorial Tenure."

* The numbers were: Quebec, 7; Montreal, 7; Three Rivers, 3; St. John's, 2; William Henry, 2; Boucherville, 1; Assomption, 1; Terrebonne, 1; Beauport, 1: total, 25. Mr. Lymburner's theory was, that the commercial interests of Canada were contained in Quebec and Montreal, and that the well-being of commerce should be assured full protection. This specious argument was not entertained.

† [Can. Arch., Q. 36.2, p. 469, 3rd Sept.]

suggested by the fact being known in Canada that in the previous year Sydney had informed Dorchester there was no immediate intention to change the Quebec act.* Lymburner was instructed to obtain attention to the petition of 1784, both from king and parliament. In order to effect this result, he enlisted the co-operation of the committee of London merchants interested in the Canadian trade.

Sydney had called upon Dorchester to report upon the form of civil government, and the code of law that it was held advisable to introduce.† Dorchester's views were carefully expressed: he conceived that any change in the constitution should be gradually made, and that a firm and benevolent administration was the best remedy ‡ in the circumstances. The western settlements of the royalists he regarded as unprepared for any organization higher than that required for a county, and he thought no time should be lost in selecting an able lieutenant-governor for the four western districts. He strongly counselled an early decision on the subject. In case the division of the province was to take place, he submitted what he conceived should be the line of separation.

In 1789 Dorchester was notified that the division of the province was definitely determined, and a draft of the proposed bill was sent to him for consideration,§ to be returned with the observations he deemed expedient to make. The act was to be introduced in January, 1790. The time for the consideration of the measure was held to be favourable, as the condition of France suggested that there was no fear of interference on her part. From the tenor of Grenville's communication, it is evident that Dorchester had submitted reasons against the separation. He was told that the resolution having been taken to establish a provincial legislature, it was advisable to constitute in separate provinces the

* [Can. Arch., Q. 28, p. 44, 20th Sept., 1787.]

† [Can. Arch., Q. 38, p. 164, 14th Oct., 1788.]

‡ [Can. Arch., Q. 39, p. 109, 8th November.]

§ [Can. Arch., Q. 42, p. 92, 20th October, 1889.] These papers are given in full in the Archive report of 1890, note B., pp. 10-47.

"ancient subjects" and the French Canadian majority; rather than that they should be blended together by the new constitution, before time had removed old prejudices and the habit of obedience had been enforced by a common interest.*

There was difficulty in describing the boundary between the western province and the United States. To follow the line mentioned in the treaty would have excluded the forts "still in His Majesty's possession and which the infraction of the Treaty . . has induced His Majesty to retain." To have described a line which would have embraced them was regarded as likely to lead to diplomatic and even more serious complications with the United States. Some general description was therefore suggested, such as "all the territories west and south of the boundary line of Lower Canada." The consequence was that no description of the western boundary is given in the act at all. The text sets forth that it is "the intention to divide the province of Quebec into two separate provinces, to be called Upper and Lower Canada."

From the first it had been resolved to make the office of legislative councillor hereditary, but the proposal did not receive the support of Dorchester. He pointed out that, if the prosperity of the country furnished the means of supporting the dignity, some advantages might result from the system, but the fluctuating condition of wealth would expose hereditary honours to fall into disregard: an opinion even

* I have been unable to find these specified objections by Carleton further than I have given them above. The words in which allusion is made to the principles on which the act had been conceived appear to be worthy of record, as shewing the sentiment entertained by the mother country towards this province: "Your Lordship will observe that the general object of this Plan is to assimilate the constitution of that Province to that of Great Britain, as nearly as the difference arising from the manners of the People and from the present situation of the Province will admit.

"In doing this, a considerable degree of attention is due to the prejudices and habits of the French Inhabitants, who compose so large a proportion of the community, and every degree of caution should be used to continue to them the enjoyment of those civil and religious Rights, which were secured to them by the Capitulation of the Province, or have since been granted by the liberal and enlightened spirit of the British Government." [Can. Arch., Q. 42, p. 46. Grenville to Dorchester, 20th Oct., 1789.]

in the present day not to be despised by imperial statesmen, when honours are designed for Canadian public men. Dorchester recommended that for the present it was advisable to appoint the members during life, good behaviour, and residence in the province. This wise recommendation was not acted upon. The clause conferring hereditary honours was retained in the act, but no case ever happened where it was applied.*

It will surprise many to learn that at this early date the establishment of the present dominion parliament was distinctly foreshadowed. The proposition was not entertained, no doubt owing to the small, scattered population which the provinces contained, and from the expense it would have entailed. The theory, however, in another form received recognition on the appointment of Dorchester as governor-general in 1786. It has been stated that he entered upon his duties as governor-general of British North America not only as governor of Canada, but likewise as governor of each of the two provinces, Nova Scotia and New Brunswick.† He occupied the same position with regard to Simcoe on his appointment as lieutenant-governor of Upper Canada in 1791. The unpleasantness which arose from the exercise of this authority no doubt had its influence on Simcoe's application for leave on the ground of ill health. From the complications which had arisen it is probable that it also led, on Simcoe's arrival in England, to his immediate appointment to the government of San Domingo.

The proposition to which I allude was contained in a letter from chief justice Smith to lord Dorchester, and by him forwarded to the home government. Smith pointed out that the new act was laying the foundation of two flourishing provinces "for more to grow out of them, to compose at no remote period a mass of power very worthy of immediate

* The clause (VI.) is permissive rather than positive. It enacts that . it *may* be lawful . . to annex an hereditary right of being summoned to the legislative council.

† Ante., p. 255.

attention." What was required was to constitute what remained of the ancient dominion under one general direction for the "united interests and safety of every branch of the empire." Smith argued that the cause of the revolt in the old provinces was attributable to the fact that the country had outgrown its government, and that the true remedy should have been applied half a century before the quarrel began. The difficulty had arisen from the exercise of government by the many petty legislatures with no controlling power, and from the fact that those constituting them had been taught to consider they were the true substance of authority and the provincial governor and council but its shadow. Thus a democratic spirit had been encouraged, uncontrolled by a central administrative authority to develop a common political life, and to constitute the self-governing provinces as associates in the policy of the empire, consulting alike their own safety and the common welfare. We have in these few words the modern theory of "Imperial Federation," a theory which binds together all the members of the British empire, each component part possessing the right of self-government, controlled only by a sense of the necessity of a close alliance for the purpose of common defence and for maintaining the dignity and honour of the united whole. One essential element of the success of this consolidation is the avoidance of all unjust votes in the imperial house of commons, given to pander to the political exigencies of the hour; but above all, the total cession of interference in the government of another province, except when based on wisdom, right and necessity, with the total rejection of all *doctrinaire* theories that on occasions have often unhappily prevailed.

Chief justice Smith remembered, as a young man, the dread of the French power in Canada as it had been felt in the old provinces, and the extent to which it had hindered those dwelling in the eastern Atlantic provinces from moving westwardly. He had seen that the spirit of French aggression had been subdued only by the imperial military force, and that the old provinces had been relieved from this

ever impending attack by the determined attitude of the mother country. Further, as history tells us, that the blood shed and the money expended in the quarrel, with the continued beneficence of the mother country, by which in America freedom from these alarms had been attained, had all rapidly passed out of mind. Had there existed a central governing body, having its origin in the provinces, to meet on the common ground of general government, a sentiment different in character would have been developed, and a community of interest with its consequent amity would have been maintained.

In this view, he recommended a legislative assembly and council for the whole of British America south of Hudson's Bay and north of Bermuda, to make laws for the good government of all the provinces. The members of the council to be appointed for life; the assembly to be elected by the provincial house of assembly of each province, to be summoned once in two years; the legislature to continue for seven years; the governor-in-chief to have the power to assent to a bill or to leave it for the royal pleasure; to hold power above that of the lieutenant-governors. The provincial acts to be submitted to the central government for approval, which, if expedient, could be withheld. All acts of the central council to be subject to imperial disallowance.*

Eighty years were to pass before this view was to prevail; nevertheless, the main principles followed in the establishment of the present constitution of the dominion are distinctly recognisable.

Owing to the uncertainty of the maintenance of peace with Spain in 1789, the Canada act was not introduced into parliament in the session of 1790, as had been the original intention. Grenville had notified Dorchester that hostilities might take place, but he did not conceive that there was any probability of an attack upon Canada. The United States, however, in such a case might be encouraged to demand the cession of the posts; and with this contingency before him,

* [Can. Arch., Q. 44.1, p. 61.]

the sense of the necessity of the presence of a prudent governor in the province would, no doubt, induce Dorchester to relinquish the wish to return home.

In the following March, Dorchester was informed that the bill had been introduced into parliament, and he was asked to be present in London to assist in the adjustment of many unsettled points.* He did not, however, sail for England until the 18th of August. Sir Alured Clarke was not sworn in until the 25th, having deferred taking up the administration before Dorchester was clear of the coast.

When Dorchester arrived in England the Canada act had become law.

On the 25th of February, 1791, a royal message was delivered to the house of commons, that it was the design to divide the province of Canada, and on the 7th of the following March Mr. Pitt introduced the bill. He trusted that it would remove the differences of opinion which had arisen between the old and new inhabitants: a remark which shews that the efforts made in London to advance the views of those claiming the establishment of a house of assembly had given them undue importance. Pitt conceived that the establishment of a house of assembly was a certain panacea for these grievances; for he proceeded to state that each province would have the right of enacting the laws desired in its own house of assembly. From the proceedings of that date it is easy to understand that those who had been clamorous for the assembly were desirous of its establishment only on condition of holding it in control. They were, however, soon made to understand that the division of the province, in connection with the character of the franchise, would, from their inferiority of number, place them in a constant minority.

On the 23rd of March Mr. Adam Lymburner appeared before the house of commons on the part of the English-speaking inhabitants of the province; he claimed likewise to represent "the most respectable and intelligent of the French Canadians." Contemporary documents shew that in

* [Can. Arch., Q. 50.1, p. 13]

that respect he had but limited support. Mr. Lymburner spoke for some hours with ability, and his speech remains on record. He opposed the bill as it was presented to the house. He asked a total repeal of the Quebec act, a new constitution, and the retention of the boundaries of the province of Quebec as it was constituted, undivided into two provinces. He protested against the administration of the law, appealing to the records of the courts in proof of their failure to extend justice. He affirmed that the province had to a great extent suffered from the confusion which the Quebec act had introduced, and that it had "been exposed to the pernicious effects of uncertain and undefined laws, and to the arbitrary judgments of courts guided by no fixed principles or certain rules." No argument could be advanced why the act should be preserved, and he asked its entire repeal as extremely obnoxious to those he represented. Nor could he see reason for the "violent measure" of creating two distinct provinces. He argued that, if separated, they could never be re-united; a union, be it remarked, which was effected precisely half a century later. He pointed out that the upper province would be cut off from all communication with Great Britain, as vessels could not ascend above Montreal. He might have more correctly stated Quebec; for at that time no ship drawing above eight feet of water could pass at low water over the shallows of lake Saint Peter, the depth of which to-day, artificially obtained, is twenty-nine feet, in a channel of 200 feet in width. He foresaw the difficulty which would arise in the imposition of duties on imports for the use of Upper Canada, collected at Quebec, which could not pass in unbroken bulk, for delivery in the settlements above the Lachine rapids. He pointed out that there was less reason for the division of the province, as Niagara would prove the limit of the province, that the country beyond could not become of importance for settlement, the falls of Niagara being "an unsurmountable bar to the transportation of such rude materials as the produce of the land."

Mr. Lymburner, in his argument, expressed what formed one of the main arguments with those who thought with him for the non-creation of two distinct provinces. He anticipated that the settlers in the new districts on the Saint Lawrence would be so occupied with the cultivation of their farms that they would find among themselves but few willing to represent them in the new legislature; and that for some years they would choose their representatives in Montreal and Quebec from those connected with them in business. The proceedings in the Upper Canada legislature after its establishment prove the fallacy of Mr. Lymburner's calculations. The U. E. loyalists comprised many men of such good education and with such knowledge of public life that those who in modern times write of them favourably in the United States point out the loss to the newly constituted nationality by the departure from among them of so many men of trained ability. Lymburner wisely pointed out the inadvisability of making the office of legislative council hereditary. The proposal was seen to be utterly inexpedient. Pitt really acted in accordance with this view, for though the clause was retained it was simply permissive.

Mr. Lymburner briefly set forth the principles of the new constitution that he and others were desirous of seeing promulgated, viz.: repeal of the Quebec act *in toto;* a triennial house of assembly with the admission of Roman catholics; a legislative council, the members holding their places for life, subject to residence in the province and good behaviour; the criminal law of England; the commercial law and custom of England; the *habeas corpus;* the ancient law of Canada of marriage settlements, inheritance and dower for the districts of Quebec, Three Rivers, and Montreal, as then bounded; the common law of England for the other portion of the province; that juries should be granted in civil cases when demanded, unanimity on the part of nine out of the twelve jurors to establish the verdict; that the sheriffs should be nominated by the governor from a list furnished by the assembly; that judges should be unremovable by the

governor; that the duties of office should be performed by such as were appointed to the position; power should also be given, on petition, to accept the surrender of the feudal grants and to make a re-grant of a seigniory on free and common socage. *

Subsequently, on the 4th of April, Mr. Hussey presented a petition of the merchants engaged in the Canada trade against the proposed act, and moved that the bill be recommitted. The petition set forth that the measure would be injurious to the province, especially in the matter of commerce. The motion was supported at some length by Fox, who argued that the bill was not sufficiently liberal.

On the 21st of April the matter came up in committee. Owing to the thin attendance, Sheridan suggested that the debate should be adjourned, but Pitt insisted that it should proceed. Powys and Hussey recommended adjournment. Mr. M. A. Taylor objected that the measure had received no attention on the question of its detail, and that the discussion had been turned upon the general principles of government. Fox claimed the right to follow in this tone of argument, however sorry he might be to differ from any of his friends in the opinions he expressed.

It was during the debate on the Canada act that the memorable quarrel took place between Burke and Fox. A debate had been held a few days previously on the war in Russia, when it was foreseen, from the antagonism which had arisen in their opinions, that further difficulty between them must arise. An explanation has been given, whether true or not, that the king had made some remark favourable to Fox,

* Mr. Lymburner was a native of Kilmarnock, Ayrshire. He had succeeded to the business of his brother John, who, in 1775, sailed from Quebec, the vessel having been lost with all on board. He was for many years a member of the executive council. Finally, he took up his residence in London, where he died on the 10th of January, 1836, at the age of 90. He lived to see the completion of the first Lachine canal, in 1823, and the Carillon-Grenville canals, with the Rideau navigation to Kingston, in 1832. The Welland canal had been completed in 1829. By these important works the district of Niagara, which he had described as the limit of civilization, had become the central part of Upper Canada; the province to its western limit at the Detroit river being well inhabited.

upon which he had been informed that Fox was in principle a republican. It has been supposed that Burke was urged to take part in the discussion in the expectation that Fox's imprudence of speech, during the debate, would lead to utterances on his part that would go far to establish the truth of the assertion. I repeat the statement as I have read it. Burke's whole speech turned upon the French revolution, of which he spoke in most bitter language. He occupied the attention of the house until the adjournment.

On the reconsideration of the bill, on the 6th of May, Burke immediately rose. After again making a long attack on the revolution and the pernicious principles which it inculcated, he alluded to the loyalists who had fled from the American government, adding that there was no danger of their going back to their former homes. They had forsworn all the advantages of a more fertile soil and more southern latitude for what he was pleased to call "the bleak and barren regions of Canada." Burke was never a friend to Canada. There is not a sentence of his on record in favour of the province. With Fox he mourned the death of Montgomery, and regarded the successful defence of Quebec with disfavour. Was it because Canada remained loyal to the British crown, at the period when Burke's whole sympathies were with the revolted colonies, that the province received no favour at his hands? He gave scarcely any consideration to the provisions of the bill which was to assure the well-being of Canada. His effort was limited to declaiming against the French revolution, declaring with what horror he regarded its progress, that its principles were to be detested, and were pregnant with every consequence that should be dreaded and abominated.

Fox's remarks were doubtless irritating to Burke. He pointed out that although nobody had said a word with regard to the French revolution, Burke had loaded that event with abuse. He might have so treated the Gentoo government or that of China, or the government of Turkey, or the laws of Confucius with equal appositeness. But every gentleman

had the right to abuse the government of every other country as much as he pleased.

Burke replied that, while he was accused of abusing other governments, he conceived that it was the design of his honourable friend (Fox) to abuse him in unqualified terms. He was proceeding to speak of M. Cazales, when he was called to order. Burke, however, continued in the same strain, when he was called to order by Mr. St. John, who asked him to fix a day for the discussion of the subject. Mr. Martin, a supporter of the government, contended that Burke was in no way irregular. Burke asserted that he was in order; he had determined on the first opportunity which presented itself to offer his reflections on the subject. He was interrupted by loud cries of "order" and "go on." He continued in his argument, when he was called to order by Mr. Anstruther. Colonel Phipps complained of Anstruther's interruption, when Mr. Anstruther justified his conduct. Burke continued in the same argument, when Austruther again rose, again to be rebuked by colonel Phipps. Fox spoke, remarking that he did not know whether Burke was for or against reading the clauses. Mr. Grey did not consider that it was a fit moment for the discussion raised by Burke. Pitt suggested that the only way to bring matters to a point would be to move that it was disorderly to advert to the French constitution. Burke was proceeding as he had begun, when Mr. St. John called him to order. Burke said he considered himself unfairly treated by those gentlemen with whom he was accustomed to act, but from whom he now received extreme violence. On again referring to the French theory of the rights of men, lord Sheffield moved that the proceedings were not orderly, and that the clauses of the Quebec bill be read a second time. Mr. Pitt observed that the question of discretion of debate and that of order ought to be kept distinct. He justified allusion to the constitutions of other countries; he wished, however, that the debate should stop or should proceed with regularity.

Fox felt bound to support lord Sheffield's motion, as Burke had made it necessary by bringing on in an irregular manner a matter in no way connected with the bill before the house. The introduction of the subject was unfair and prejudicial to debate. The course taken seemed designed to confirm the insinuation made regarding himself, that he had maintained republican principles as applicable to the British constitution. He had considered the revolution of France to be glorious, as the arbitrary system of government had been done away with; he had not spoken in praise of the constitution, which remained to be improved by experience. If the committee should decide that the arguments in the French constitution should be continued, he should leave the house, and return when the clauses of the Quebec bill were to be discussed. "During the American war," said Mr. Fox, "we (Mr. Burke and himself) had rejoiced together at the successes of a Washington, and sympathised almost in tears for the fall of a Montgomery." He spoke at length with great force.

Mr. Burke complained that his words and conduct had been misrepresented, and that a personal attack had been made upon him from a quarter he never could have expected after an intimacy of more than two and twenty years. He again entered into the question of the French revolution, on which he had been misrepresented. He denied having made any allusion to the speech of Mr. Fox, and with regard to the subject he was going to introduce into the debate, Mr. Fox was no stranger to it. He had opened to him the plan of his speech, and he had mentioned his reasons for forming the opinions he had expressed. Mr. Fox had disagreed with him, but there had been no quarrel on that account. He could not, however, be persuaded against stating to the house his mind with regard to the French revolution, for there was a design to subvert the constitution of Great Britain. The practice was now on all occasions to praise the French revolution. He insisted that, after what had been alleged, the discussion of the Quebec bill was a proper opportunity for

entering upon a true and minute comparison of the constitution of France with that of England. Mr. Burke complained that Fox, the most brilliant and powerful debater that ever existed, had described him as having deserted and abandoned every one of his principles. It was certainly indiscretion at any period, especially at his time of life, to provoke enemies or give his friends occasion to desert him, yet if his firm and steady adherence to the British constitution placed him in such a dilemma, he would risk all; and as public duty and public prudence taught him, would exclaim with his last words "Fly from the French constitution." Mr. Fox whispered that there was no loss of friends. "Yes," exclaimed Burke, "there was a loss of friends. He knew the price of his conduct, he had done his duty at the price of his friend. Their friendship was at an end."

Fox rose with great emotion. He could not suppress his feelings, and the tears ran down his cheeks. On recovering himself, he said that, however events might have altered the mind of his right honourable friend, he could not forget that as a boy he had received favours from him, and their friendship had grown with him, and had continued for upwards of twenty-five years. He alluded to their past familiar intimacy; he considered that it ought not to be affected by any difference of view of the French revolution. What he complained of was that Burke had described him as desirous of introducing republican principles into the new constitution of Canada, when he had no such views. If Burke had desired to express his sentiments regarding the French revolution, he should have done so on some other occasion than during the discussion of the Canada act. For that had given weight to the misrepresentations created against himself, and they could not then be answered. He had considered the British constitution, although imperfect and defective, as the best adapted to Great Britain. As a proof that his honourable friend did not believe in its perfection, in 1783 he had introduced a measure for the reform of the civil list, and had subscribed to the resolution of 1780, that the influence of the

crown had increased, was increasing, and ought to be diminished. Fox declared upon his honour no one of those who had risen to call Burke to order had been desired by him to do so. On the contrary, he had earnestly entreated that Burke should not be interrupted. No one could wish that liberty should be engrossed only by ourselves. Both Burke and himself could act as their opinions suggested. For his part, he should keep out of the way of his honourable friend until time and reflection had led him to think differently. Then, if their friends did not re-unite them, he should think that they did not act as he had a right to expect. At a future day he would be ready to discuss the French revolution.

Burke rejected every offer at accommodation. He stated that the tenderness which had been displayed at the beginning and end of Fox's speech had been obliterated by what had been said in the middle. Under the mask of kindness, a new attack had been made upon his character.*

Fox hoped that when the bill came before the house Burke would join in the debate. He was himself anxious to get from theory to practice. Lord Sheffield's motion was withdrawn.

On the 12th of May the committee further considered the bill.

Mr. Hussey was opposed to the division of the province. He was of opinion that English commercial law should be introduced, leaving the house of assembly to make such alterations as circumstances might render expedient.

Mr. Powys was not in favour of the division of the province.

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* It is not possible to resist the impression that Burke had determined to separate from Fox, from having formed the opinion that there was no middle course to follow. As there had arisen a positive disaccord of political opinion, he had resolved to terminate their private friendship. An expression of Burke justifies this view, for he exclaimed, "Could his most inveterate enemy have acted more unkindly towards him?" Whatever influence operated upon Burke, the memorable scene I have felt it a duty to preserve in this history was the termination of the long friendship of these two distinguished men.

Burke lived but a few years after this scene; he died in 1797.

Mr. Fox asked to be informed if his majesty had power to divide the province. This point was determined in the affirmative.

Mr. Pitt said that the question was whether parliament would agree to establish two legislatures. The principle was to give a legislature to Quebec in accord, as nearly as possible, with the British constitution. The division of the province was liable to some objections, but it was subject to fewer than any other measure.

Mr. Powys could not give up his majesty's declaration, which had promised to the province a British constitution.

Mr. Burke was of opinion that the attempt to join people dissimilar in language and manners was absurd. He approved of the division.

Mr. Pitt had made the division of the province essential, as he could not otherwise reconcile the clashing interests known to exist.

Lord Sheffield doubted the expedience of dividing Quebec into two provinces.

Mr. Fox spoke at some length. His remarks were generally against the division of the province.

Mr. William Grant pointed out that no material difference existed between the commercial law of Canada and that of England.

Mr. Burke thought that the English ought to enjoy the English constitution, the French the old Canadian constitution.

On the question of the legislative council, Mr. Fox, speaking at length, proposed that this body should be elective, the members to possess qualifications higher than those of the house of assembly, chosen by a body of electors of higher standing than those having votes for the lower house. He did not mean to take the sense of the committee upon the point, unless it was plain that in the general opinion the principle ought to be adopted.

Mr. Pitt justified the proposition which made the office of legislative councillor hereditary.

Mr. Burke referred at some length to his own personal position as it was affected by the preceding debate. He opposed an elective council as democratic.

Mr. Fox replied in the tone of personal explanation.

Mr. Burke again spoke in personal explanation. Some remarks were made by Mr. Wilberforce and Mr. Fox, when the clause passed.

On May 12th, Mr. Pitt proposed that the members in the Upper Canada legislature should be sixteen. Mr. Fox thought the number insufficient to form a popular assembly.

Mr. Pitt justified the clause, on the ground that there were not 10,000 inhabitants in the province, men, women and children.

Mr. Pitt introduced the clause to set apart lands, to the extent of the seventh part, for the support of the protestant clergy.

Mr. Fox objected especially to sending out a bishop of the church of England to sit in the legislative council.

On the report being brought up, Mr. Fox opposed the appointment of hereditary legislators. The clause was confirmed by eighty-eight to thirty-nine.

He likewise considered thirty members as insufficient for the house of Lower Canada. Mr. Pitt moved to insert fifty. On Mr. Fox proposing 100, the house divided, the vote being forty for and ninety-one against. Mr. Pitt's proposition was then carried.

The bill became law on the 14th of March, 1791.

CHAPTER IV.

It is not possible to pass unnoticed the political record of the United States in the years succeeding the peace. The country was agitated by extreme disquiet and uncertainty, for a time foreboding the most evil consequences, and the efforts which successfully established a form of government on a firm basis present a bright page of history, as the triumph of patriotism and wisdom over faction and intrigue. What is of equal weight, this happy result may be adduced as an example of the inherent strength of liberal institutions, when directed with judgment and honest deliberation, and removed beyond the influence of all engrossing personal ambition. The political traditions of the old provinces had been derived from the constitutional government of Great Britain. It is no slight vindication of the charge of tyranny and wrong-doing hurled against the mother country, and repeated by writers uninformed of the facts, or reckless in advancing the distorted statements upon which they rely, that it was from the British constitution the principles were taken on which the new government was grounded.

The last years of the war found the revolted provinces in extreme monetary distress. Only limited contributions of money could be obtained from the several states, and the whole of the ways and means to carry on the contest became dependent on foreign loans. So long as the continental paper possessed even its approximate value, congress retained its influence. It had sustained the army, it is true often imperfectly, and had even given help to those states which, in their difficulty, had applied for it. With the depreciation of the paper money, it rapidly lost the respect of the community. Under the amended act of confederation the legislative sessions were declared to be annual, to commence

on the first Monday in November; the delegates to be annually elected and liable to be recalled at any period. On all points of importance the assent of nine states was imperative; previously a majority had governed. No state was permitted to vote unless represented by at least two delegates. Full authority was given to congress on all questions of peace and war and foreign intercourse; but no means were available for any of the expenses of government except by loans and paper issues. In an emergency, authority was given to make requisitions on the several states; but as there was no power to enforce the slightest demand, such applications remained without effect.

On the ratification of the articles of confederation, a proposition was made to employ the army to collect the state-assessments when payment of them was avoided. As might be supposed, it was rejected, for such a policy would have been the first step to civil war. An executive government was organized; the boards of direction which had hitherto exercised control, owing to the complication of their proceedings, were replaced by ministers. Livingston became minister of foreign affairs; Lincoln of the department of war; Morris of finance, and the control of the small navy was also subsequently given to him.

The army was in a deplorable condition; the men unpaid, the allowances of clothing and rations undelivered. Indeed, the greatest difficulty was experienced in finding means for the daily subsistence of the troops. The officers, in most cases without private incomes, were generally greatly in debt; several were subjected, not simply to privation, but to distress. In December, 1782, a committee of officers had personally waited upon congress to set forth their own grievances and the complaints of the army in general, and to ask payment of what was due.

In March, 1783, the troops still remaining dissatisfied, and peace being now a matter of certainty, a meeting was proposed of the general and field officers, one officer from a company being invited to be present. At the same time an

unsigned address was issued to the troops to lead them to a common course of action. It has since become known that its main points were determined at a meeting of officers, and that a captain Armstrong, a man of ability and a practised writer, was asked to put them in form. Washington, in general orders, declared the meeting to be subversive of discipline, and himself appointed a day when the report of officers sent to congress should be heard. In the meantime, he used his influence individually with all whom he knew, to lead them to think with some sobriety on their position.

The meeting was held ; Gates was called to the chair, it is asserted to prevent him taking part in the proceedings. Washington shortly afterwards entered. He appealed to the patriotism of those present, and entreated them to rely on the justice of congress. He attributed the addresses which had been written to the work of a British emissary: a suggestion he must have known to be contrary to truth, and thus appealed to the unfriendly feeling towards Great Britain as a counterpoise to the resentment felt at the neglect experienced from their own government. Unfortunately a practice of too frequent occurrence to this day with a class of public men, which forms so unpleasing a feature in the political life of the republic. Washington succeeded in quieting the angry feeling, and a committee was named. Knox, a firm supporter and personal friend of Washington, was appointed chairman, and resolutions were carried of confidence in the justice of congress, and abhorrence of the propositions of the address.

On the declaration of peace, congress made an effort to be authorised to impose import duties, and the several states were assessed for contributions to the public expenses. In order to reduce the cost of the army, authority was given to commanding officers to grant limited furloughs, and in cases to give discharge with a gratuity of three months' pay. But the money was not forthcoming. In the height of their discontent a party of troops marched from Leicester to Philadelphia, where they were joined by the troops in

garrison. Thus increased in numbers, they proceeded to the doors of the state house, and tumultuously demanded their pay. They were appeased by being called upon to appoint a committee to state their grievances. Washington hearing of the riot sent a force of 1,500 men to Philadelphia, and the revolt was subdued. Arrests were made, many known to have been prominent in the tumult were tried and sentenced; but all were pardoned, for congress had not the moral strength or the physical force to inflict punishment. It contented itself by shewing its feeling of indignation by removing its sittings to Trenton.

Eventually the half-pay promised to the troops was commuted to a gross sum of five years' full-pay, for which certificates bearing six per cent. interest were issued. The measure did not pass without the strongest expressions of dissent and condemnation from Massachusetts, and generally from New England. The feeling was most vehement with those who had been the most pronounced in demanding separation from the mother country. Now the object they had advocated was obtained, the troops who had borne the full weight of the contest might retire unrewarded and unrequited, to live or die, as chance might determine.

What is known as Shay's rebellion took place in 1786. It was an event without any direct consequence, but is significant from the disclosures it makes of the gloomy condition of the country. The general court of Massachusetts had voted the imposition of customs and excise, to obtain revenue and to meet the interest due by the state. The farmers in large numbers had fallen behind in their payments, and many were seriously embarrassed with debt. The consequence of this depression was that county conventions assembled to complain of the grievances felt, and in some places armed mobs had surrounded the court houses to prevent the sessions being held. There was everywhere great poverty; no market for the produce of the farmer; and all domestic manufactures were in a languid condition. Men suffering from poverty do not generally bring to the

consideration of their misfortunes a philosophical and dispassionate examination of its cause. In this case, the general tendency was to contrast the poverty generally felt with the large incomes received by lawyers. There was a complaint that the senate was composed of men of means; and the amount received by the governor of the state was likewise the cause of much discontent. Another ground of dissatisfaction was the refusal to meet the popular demand for the issue of paper money, and that direct taxes had been imposed to meet the expenses of government.

Agitators had inflamed the popular excitement, for there are always to be found men with whom a public grievance is the source of private emolument. Those who were discontented had also before them the example by which the state government could be overwhelmed, the revolutionary proceedings by which the power of Great Britain had been prostrated. Why not follow the example?

Difficulties of the same character had been experienced in New Hampshire; an armed mob had surrounded the legislature, calling for a remission of taxes and an issue of paper money. The movement had, however, been suppressed without loss of life.

Bowdoin, the governor of Massachusetts, in this emergency called a meeting of the general council. Acts were passed diminishing legal costs in collection of debts, the payment in produce, of taxes and debts, was made legal. The agitation, however, continued. The militia was being constantly called out, and the *habeas corpus* suspended; and a strong proclamation was issued against the disorderly proceedings, which remained unabated.

These disturbances created anxiety in congress. Under pretence of raising troops for operations in the north-west against the Indians, authority was obtained to enlist 1,300 men, the object being to prevent the seizure of the federal arsenal at Springfield, and generally to give support to Massachusetts. The services of this force were not necessary, for previous to their enrolment, on the 5th of December, one

Shay, with a mob of armed men, took possession of Worcester and prevented the sessions of the supreme court being held. The militia force, to the number of 4,000 men, was called out and placed under the command of Lincoln, while means to sustain the troops were obtained by loan at Boston.

Shay had been a captain in the revolutionary army. As he held that it was necessary to arm the men clustered around him, he attempted to take possession of the federal arsenal at Springfield. The commandant fired upon the insurgents, killing three and wounding one, upon which the assailants made a precipitate retreat. They were followed by Lincoln with the militia that had been called out. Cowed by this rapidity of movement, Shay's mob offered to separate, on promise of pardon. Lincoln, however, was without power to grant any conditions. The malcontents again retreated; but Lincoln's activity in their pursuit so disheartened them that the greater part dispersed, seeking their safety as they were best able. Several were arrested, and the movement had ceased by the end of January. No one was executed.

The suppression of this abortive attempt at rebellion did not remove the anxiety felt, or restore assurance of quiet times. On all sides there was depression, and accompanying it an absence of public confidence, and what is often attendant upon this condition of feeling, a distrust of the rich, with the desire for present relief by any means. For a few months it seemed as if independence of the rule of the mother country had been gained to lead to bankruptcy and anarchy. No passage in the history of the United States reflects more to their renown than their extrication from this deplorable condition. The experience obtained from the system of government, of the old provinces as separate and independent colonies, worked its influence. The first minds in political life were awakened to the necessity of establishing a strong central government, which should secure internal peace at home, exact consideration from foreign powers, and establish that common confidence in the ordinary affairs of life which is the basis of prosperity and order.

In 1786 Virginia proposed that a convention should be held at Annapolis, to determine the future form of government. Five states responded. Hamilton drew up an address, somewhat modified in accordance with the views of Randolph, in which the call was made for a second convention to meet at Philadelphia, in 1787, to consider the general obligations and conditions on which confederation should be effected. It was this convention which established the constitution of the United States.

The meeting took place on the 25th of May. It is strange that the anniversary of this meeting obtains little consideration in modern times. It is far more worthy of public regard than the 4th of July, which commemorates the separation from the mother country, on assumed causes which do not bear the inspection of history. The prominent actors from the beginning desired to be set adrift on a separate nationality. Their feeling of discontent is traceable to impatience of authority, not always wisely exercised by the home government, as we have experienced in our history, and mainly to the desire of a field being gained for individual ambition. There came a period in the contest when one side or the other must be taken by all who fell within its influence; and thousands were forced against their will to join the side of revolt. On the other hand thousands opposed it, to sacrifice all that gives value to life. A protest must also be entered against the mode in which the 4th of July has been kept for a century. As a rule, it has been characterized by the bitterest calumnies against the mother country. The really great minds of the United States recognise all they owe to the benignity and beneficence of the parent state. Errors, miscalculations, unwise arbitrariness, want of appreciation of circumstance, too frequently are traceable in the record of the old imperial rule. Why should these alone be remembered? Why should the aid, the support, the protection which made independence possible, be forgotten? The principles of political liberty and of personal individual freedom now possessed are the heritage derived from the political mother,

including religion, laws, language, the noblest literature of Europe,* and the sense of historical manhood which passes across the most ignoble mind as the deeds of our common sires are read on either continent.

The true origin and starting point of the United States is not the 4th of July, 1776, but the 25th of May, 1787.

Seven states were then represented, each state to possess one vote; seven states to form a quorum. The committees were appointed by ballot. The doors were closed, an injunction of secrecy regarding the character of the debate was enforced, which has been generally well kept even to the last few years. Finally, eleven states were represented by fifty delegates. Rhode Island had refused to send delegates.

Randolph, representing the sentiment of Virginia, proposed a national legislature, with representatives apportioned in accordance with the numbers of the free population, or the amount of taxation paid by a state, with a second chamber, and a national judiciary. The less important states in the matter of territory and population regarded the principle with distrust, as a blow at state sovereignty. They desired to retain the right possessed under confederation, that of equal voting. A point was raised with regard to the authority possessed by the convention; it was met by the condition that whatever was determined would be submitted for ratification to the several states.

The larger states had determined that the election of representatives should be regulated by the population; on this point there was a great difference of opinion. Virginia, Massachusetts, Pennsylvania, North and South Carolina and Georgia supported the vote according to population; six votes. Five were recorded against it, Connecticut, New Jersey, Delaware, Maryland, and as the majority from New York was in this direction, that state was included in the

* I cannot forbear to repeat the words of Macaulay in his essay on Milton, for they cannot be too often brought to attention—"the idiomatic powers of the English tongue to which every ancient and every modern language has contributed something of grace, of energy or of music."

vote. The delegates of New Hampshire were absent. Rhode Island was unrepresented. Had they been present, the modern opinion appears to be that there would have been great difficulty in the determination of the question, and that a settled plan of government at the time might have proved impracticable.

Although opposition was experienced in carrying out the principle of making the number of representatives dependent on population, eventually it obtained recognition, three years' life being given to the lower house and seven to the upper. The election to the senate was left with the state legislatures, the same principle of population governing the number. The national legislature was to possess authority to pass the laws for which the state authority was insufficient; likewise to possess the right of negativing state laws not in accord with the articles of union or inconsistent with foreign treaties. The executive to consist of a single person, elected for seven years, ineligible for a second term. The national judiciary to consist of a supreme court; the judges to hold office during good behaviour, appointed by the second branch.

This plan was subsequently modified, the lower house was elected for two years, the senate for six, one-third to retire biennially, each state being equally represented in the senate. The president was elected for four years, with the right of election.

Perfectly free trade was declared to exist between the states. Any amendment to the constitution could be effected only by two-thirds of both houses of congress, and by the vote of two-thirds of the states as obtained in the legislatures.

The president was given the power of veto, but it ceased to be effective if set aside by a two-third vote of the senate. The consent of the senate was also made necessary to the passage of treaties with foreign powers, and to official appointments of the first class.

In this arrangement adherence to British practice was observed as strictly as possible. Two essential departures

from the principles which govern it are apparent. The president, appointed for four years, selects his ministers, and after the ratification of their appointment, his cabinet remains in office, unaffected by a hostile majority in the lower house, for the period the president may determine. The British principle of a ministry being dependent on a majority of the house of commons was set aside. United States ministers are even excluded from seats in the house of representatives or the senate. It does not fall to my duty to discuss the wisdom of this arrangement. It may, however, be remarked that it does not accord with the practice of our constitution in Canada, and has been followed in no British self-governing outer province.

Washington was elected president, John Adams vice-president. The first congress met in New York in 1789.

By the new constitution, the first congress, which had achieved the nationality of the United States, passed out of existence amid perfect indifference. Its extinction is one of the curious events of history. It ceased its political life from its incapacity at the time to render any public service, and from the disregard into which it had fallen. Even before the war was half over, all the power had departed from it as a body, except in the nomination of its agents. The direction of the war had fallen upon the military leaders and some few of its members prominent by their ability. Congress finally became impotent for any purpose, being incapable of all action through debt, with the paper money valueless, and dependent on France for means to carry on the contest. A dependence unwillingly incurred from a non-accord of manners and political views, from the feeling that the intervention had only been undertaken to destroy the power of Great Britain, and the strong suspicion entertained of the designs of France upon Canada. When peace came, congress was powerless to influence events, or to apply a remedy to avert the confusion with which the new nationality was threatened. For the last months of its existence, it had been nominally represented by the occasional presence of some two or three

delegates. When the new constitution was promulgated, it passed out of view without recognition, set aside, unconsidered, and in its extinction not leaving the slightest regret.

The settlement of the constitution was not attained without much anxious feeling, and men, especially those experienced in public life, looked with the greatest anxiety to the future. A strong party entertained serious views towards the establishment of a monarchy. With many it took the form of an elective sovereign for life, but so much objection accompanied the proposition that the theory was formed the monarchy should be hereditary; that a prince of the house of Hanover should be sought and one of the king's sons be placed upon the throne. The sentiment that some such step was necessary to assure peace and tranquillity was not limited; and had Washington at this crisis been actuated by personal ambition, he could have obtained the rank of monarch. The circumstance of his being without children would have made his selection less difficult. In his case the question of hereditament could have been evaded for the time. But Washington's mind was not to be tempted by visions of such unstable greatness. He knew the temper of the people over whom he would have reigned. His career as commander-in-chief had been fraught with so much that was painful that he would willingly have retired into private life. If he was ever sounded on the point, and there is reason to believe that he was so approached, he in no way countenanced the application personal to himself, nor did he accept the theory of many of his supporters, that the creation of a monarchy was the only resource left to secure order, peace, and civilization.

What was, however, necessary, was the foundation of a strong government which would confer power and influence on the United States as a nation, and affirm within the confederation security to property, life, and freedom of personal condition enforced by law. The theories which then prevailed have proved to be those by which the republic can best be governed. No constitutional restraint could have permanently prevented the civil war which arose in the assertion

of rights, in their application to southern interests held to be indestructible, for the spirit of conciliation would under any circumstances have ceased to prevail. No question can for a moment arise as to the wisdom of the determination taken. The able men who followed the theories of the British constitution, and transferred to the federation the spirit of their teaching, are obtaining year by year more honour in the national annals, for their patriotism, wisdom, and practical ability. "Those who think," as Goldsmith wrote, "must govern those who toil," and from its truth the maxim must ever gain fresh strength. On the other hand, those who strove to introduce extreme democratic influences, condescending to the meanest intrigue, and acting with constant disloyalty to the government of which they formed part, are obtaining the condemnation they deserve. Their feeble patriotism is plainly shown to have been entirely subservient to their desire of personal advancement.

I have deemed it incumbent to enter into this account of the establishment of the constitution of the United States, from the sense of the influence which the republic has exercised, and must ever exercise, over the fortunes of the dominion.

It is, moreover, important that we possess a correct knowledge of the circumstances under which the government was established, and the theories which prevailed regarding it. It was owing to the disorganization into which the United States had fallen that the demand for the surrender of the western ports was kept in abeyance until the declaration of war by France; and that the operations against the Indians were limited to raiding expeditions from Kentucky. For a time, there was even a party that looked to the formation of a western nationality independently of the United States, formed by states clustering around the Mississippi, access to the ocean being obtained by the great river. The necessity of possessing this outlet as a free line of unimpeded navigation became thus early a recognised principle, and was a

prompting motive with Jefferson in 1803 to accept from Napoleon the offer of the cession of Louisiana by purchase.* No event more fortunate could at this date have happened to the United States.

* The price paid was fifteen millions of dollars. The surrender was formally made on the 20th of December, 1803. Jefferson wrote, "Whilst the prosperity and sovereignty of the Mississippi and its waters secured an independent outlet for the produce of the western states, and an uncontrolled navigation through their whole course, free from collision with other powers, and the danger to our peace from that source, the fertility of the country, its climate and extent, promise in due season important aids to our treasury, an ample provision for our prosperity, and a widespread field for the blessings of freedom and equal laws."

CHAPTER V.

Carleton's absence in England entailed upon sir Alured Clarke the duty of carrying out the provisions of the Canada act. The instructions to establish the separate provinces of Upper and Lower Canada in accordance with the act of 1791 were delivered to him on the 11th of November by lieutenant-colonel Simcoe, the newly appointed lieutenant-governor of Upper Canada. Clarke himself received a new commission as lieutenant-governor of Lower Canada: a circumstance which assumed importance, as it made it illegal on his part to act in relation to the upper province in the somewhat critical circumstances which followed.* In consequence of this communication, a proclamation dated the 18th of November was issued, declaring that the division of the ancient province of Quebec would take effect the following 26th of December. †

Lieutenant-colonel John Graves Simcoe, such was the rank he then bore, was the son of captain John Graves Simcoe, who commanded H.M.S. "Pembroke" during Wolfe's operations before Quebec, where he was killed, when only forty-five

* [Can. Arch., Q. 58.1, p. 1.]

† The text of this proclamation is given [Can. Arch., Q. 55.1, p. 5]. It sets forth the establishment of the province in conformity with the act which prescribed that it should be made before the 31st December. The only point worthy of preservation is the description of the boundary line, viz., "To commence at a stone boundary on the north side of lake St. Francis, at the cove west of Point au Badet (sic), in the limit between the Township of Lancaster and the Seigneurie of New Longueuil, running along the said limit in the direction of north, thirty-four degrees west of the westernmost angle of the said Seigneurie of New Longueuil, thence along the north-western boundary to the Seigneurie of Vaudreuil, running north twenty-five degrees east, until it strikes the Ottawa river, to ascend the said river into lake Tanuscanning, (sic) and from the west of the said lake by a line drawn due north until it strikes the boundary line of Hudson Bay, including all the Territory to the westward of the country commonly called or known by the name of Canada."

years of age. As Mrs. Simcoe was residing at Exeter, young Simcoe, who was but four years old at his father's death, having been born in 1752, was sent to the free grammar school of that city; at fourteen he was transferred to Eton. He afterwards entered at Merton college, Oxford, where he remained until gazetted to the 35th regiment in his nineteenth year. Owing to this circumstance he took no degree. He landed at Boston on the day of the attack of Bunker's hill, as it is called, on the 17th of June. Shortly afterwards he obtained his company in the 40th regiment. He accompanied Howe in his expedition to the south in 1777, and was present at the battle of Brandywine, and at the occupation of Philadelphia. In October of this year, Simcoe, with the rank of major, was placed in command of the Queen's Rangers, a regiment of provincial loyalists originally raised in Connecticut and New York. No regiment during the war performed more important services, and its zeal and high discipline were the reflex of the character of its commanding officer. On Clinton assuming the chief command, Simcoe was appointed lieutenant-colonel. It was Simcoe's fate to be included in the unhappy capitulation of Cornwallis, in 1781, at Yorktown. From his regiment being composed of loyalists, it was among the number sent in the "Bonetta" sloop to New York. His services were recognised, on the 18th of December, 1782, by his appointment to the substantive rank of lieutenant-colonel, and the "Queen's Rangers" was placed on the roster of the British army. The honour was nominal rather than real, for at the peace the regiment was disbanded. Several of the officers and soldiers proceeded to Nova Scotia, from which province many subsequently followed Simcoe to Canada. Towards the end of 1782, he returned to England. He was still on parole in January, 1783, at which time, through the influence of the committee for the relief of the American prisoners of war, he was released, his papers having been signed by Franklin.

Shortly afterwards, Simcoe, then in his thirty-first or second year, married Miss Guillen, a distant connection, who after-

wards accompanied him to Canada. We have a portrait of this lady by the duc de Rochefoucault, who visited Niagara in 1795. He describes her as in every way charming, acting as her husband's private secretary, working at the maps with which Simcoe busied himself, and he conveys the impression of her strong good sense and ability. She had considerable dexterity in the use of the pencil, and some of her drawings are yet in preservation.* She remained with her husband the whole period he was in Canada.

In 1790, Simcoe entered the house of commons as member for Saint Maw, Cornwall. By these means he obtained the notice of Mr. Pitt, as available for any position where his services would be of value. Office in point of emolument was a secondary matter to him, and he himself states that he accepted the appointment of lieutenant-governor of Upper Canada as an introduction to a higher position.†

Simcoe's appointment must have been coincident with the passage of the Canada act, which became law on the 14th of March, 1791. As early as February, in a letter he entered into the policy he held essential to the prosperity of Upper Canada: in March he proposed that he should, on his way to his government, wait upon congress at Philadelphia to mediate on the part of the Indians. The correspondence was continued until his departure in September. In June, he wrote at length to Dundas, the secretary of the colonies, giving in detail his view of the requirements of the new province, one of which was that a force should be raised for service within its limits, with a corps of artificers.‡ He recommended, also, the appointment of a bishop, mentioning as fit for the office a loyalist clergyman formerly at Connecticut. The letter remaining without consideration, Simcoe again

* Three of these drawings are given in Read's life of Simcoe. One after a pen and ink sketch of Canixe, an Indian; the second, a distant view of Navy Hall, at the entrance to the river Niagara, Simcoe's residence; and a view of Montreal, taken above Longue-point in 1791.

† [Can. Arch., Q. 278, p. 271, London, 3rd of August.]

‡ [Can. Arch., Q. 278, p. 228, 2nd of June.]

wrote that without the preliminary arrangement for the embodiment of the corps, as he had asked, he must decline the appointment.* Dundas replied that the government would be sorry to lose his services, and he hoped soon to have the matter settled. This corps was subsequently formed under the title of the "Queen's Rangers." He particularly dwelt on the advisability of the appointment of a bishop, and offered £500 annually out of his own pay towards the appointment, which, with £200 allowed by the government, he considered would furnish an ample stipend. In the middle of August, Simcoe again brought to the minister's notice the condition of the province. He suggested several names for appointments, and recommended that ample provision should be made for settlers arriving. He dwelt upon the necessity of having a supply of tools and implements to be disposed of at cost price, and enforced the necessity of a plentiful copper coinage; likewise, that books should be furnished for a library. Previous to his departure, he also applied to have the local rank of major-general.

Simcoe was the bearer of a letter to prince Edward, afterwards duke of Kent, the father of her present majesty. His royal highness had arrived in Quebec in August of that year, in command of the 7th Fusiliers. He took his place at once in Quebec society with the simplicity which marked his character, and had established himself in the house built by Haldimand at the falls of Montmorency. It was the commencement of his friendship with the de Salaberry family, which lasted for so many years. Simcoe, previous to his departure from London, had declined the rank of brigadier, from the circumstance that the prince had only the rank of colonel.

On arriving at Quebec, he brought up the subject of his military rank. The design was to appoint him colonel of the "Queen's Rangers," the regiment destined for service in Upper Canada; he had, however, been informed that he could not assume the rank until the arrival of the corps. He asked

* [Can. Arch., Q. 278, p. 256, 23rd of July.]

Dundas to refer the matter to Dorchester, so that his military authority could be precisely defined, and that sir Alured Clarke, then in command of the forces, should be notified of it.

Certain appointments had been made in England to constitute the legislative council, and four members had been nominated, chief justice Osgoode, Robertson, Grant, and Russell; one only, however, of them was present in Canada, Alexander Grant, spoken of as commodore Grant. The consequence was that there was not a majority of the council present. Chief justice Smith pointed out that so soon as general Clarke's proclamation was issued for the division of the province, Clarke himself, as lieutenant-governor of Lower Canada, would have no powers in the civil government of the other province, and that his duties in that respect would be confined to his own government and as the officer in chief command. As there was no majority of the council present to administer the oaths, Simcoe could not be sworn in, and hence could not legally act. No power had been given to him, as lieutenant-governor, to appoint *ex-officio* any legislative councillors. Simcoe accordingly brought the matter to the attention of the home government, and recommended that Jacques Baby, of Detroit, should be so named, and that authority be given to supply the other two required by the act, which enforced that the number should not be less than seven. Subsequently, John Munro, of Matilda, was appointed.* In August of that year, Richard Cartwright, Robert Hamilton, and Richard Duncan were added. The list signed by Littlehales, dated 24th of August, 1792, summoning to the council the several members, included these new names.

So soon as the division of the provinces was proclaimed, a second proclamation was issued, in January, by sir Alured Clarke, continuing the powers of the judiciary of Lower Canada as it was then constituted. As some cases were to be tried at Kingston in December, judge Powell suggested

* [20th January, 1792.]

that a proclamation giving authority under the new bill should also be issued. From want of possession of the requisite authority, Simcoe could not act. It was feared that under such circumstances Powell might refuse to sit, and in such a case it was thought possible that the magistrates might follow his example. Much anxiety was felt in this respect. Powell, however, did not raise the question, and there is ground for belief that in this course he was influenced by the chief justice Smith. In June, Osgoode and Russell arrived, when the quorum of councillors was present to administer the necessary oaths.

Owing to these circumstances Simcoe remained at Quebec until June, 1792. Although titular lieutenant-governor of Upper Canada, from the neglect of the provision for his taking the oath he remained stationary in Lower Canada. He did not, however, neglect the duties he had assumed. One of his early efforts was to satisfy sir John Johnson. Dorchester had strongly recommended him for the appointment of lieutenant-governor of Upper Canada, and Johnson had felt his disappointment at Simcoe's nomination. Simcoe succeeded in removing all feeling of dissatisfaction on Johnson's part, no slight matter in consideration of the influence Johnson could exercise.

At this early date Simcoe's attention was directed to the river la Tranche, now known as the Thames. He had found a map of this river at Quebec, and he conceived that by means of the Grand river, whence a portage could be made to the la Tranche, an easier communication between lakes Ontario and Huron could be obtained than by passing through lake Erie and the river Detroit. He was also greatly impressed by what he heard of the excellent harbour of Toronto. In February, he issued a proclamation for the disposal of the crown lands, similar to that which Clarke had published in Lower Canada. In February he received an address from the magistrates of the district of Nassau, dated from Niagara, speaking hopefully of the prospects of the

district, and he was able to report that many persons had arrived at Oswego on their way to settlement in Canada.

Before leaving Quebec, Simcoe received copies of the letters from lord Grenville to Dorchester, and to Hammond, *chargé d'affaires* at Philadelphia. He was by these means informed that the king had offered to mediate between the United States and the Indians, in negotiation and treaty, by which the full assurance of possession of their territory defined by boundaries should be assured to them. Simcoe was directed to supply all the information he could gather to the British *chargé d'affaires*, and by every means promote a peaceful settlement, with due consideration to the rights of the Indians. He was to observe the strictest neutrality, and to strive to find some arrangement by which hostilities could be averted. The government of the United States, however, had shewn that it did not look for any such solution to the dispute. St. Clair, after his defeat, had resigned his command, and general Wayne had been appointed to conduct the operations with a strong force newly recruited. Troops were stationed in advanced positions, to repel any raid of the Indians. This information created anxiety in Canada, for the movement appeared to be also directed against the posts, the possession of which was still held by British garrisons.

Hammond had notified Simcoe that the United States government would not accept any intervention on the part of Great Britain, as the submission would affirm her influence with the Indians; and that a design had been entertained for the establishment of a United States post at Sandusky. One theory propounded by Simcoe was the possibility of a re-arrangement of the boundary line, and he made propositions on the subject which it is useless now to consider. Hammond saw the impossibility of making the slightest alteration in this respect. One pretension of the United States had been put forth, that, after the cession of the posts, trade between Canada and the Indians would be unlawful. Complaint was even made of the system of giving presents to the Indians by the British, which had been

a custom of long continuance. Thus, any settlement of the Indian dispute seemed difficult and remote.

Simcoe was a voluminous writer of despatches. They establish the interest he took in his duties, and his desire in all respects to become acquainted with the resources of the new province, and the true means of their development; but they cannot always be mentioned as proof of his wisdom. For some months he had been hampered by his inability to perform his duties, being without legal authority, military or civil. Previous to undertaking the duties of government he had to take the oaths of office, and until the arrival of the Rangers he could not assume the military rank he possessed.

On the prospect of the abandonment of Detroit with the other posts, the proposal had been made to garrison a station to the south opposite Bois Blanc island, the present Amherstburg. The step would have necessitated the purchase of land, which the Indians declined to sell. Subsequently, in 1798, the post was established after the abandonment of Detroit.

Simcoe, at this early date, had resolved to call together the legislature near Niagara as the most central spot. The fort was still held by a British garrison, and thus there was obtainable all the protection possible. It was not until June, on the arrival of Osgoode and Russell, that he could be sworn in. The Queen's Rangers shortly afterwards disembarked, and by the middle of that month the division under Shank had been cantoned at Kingston. On their arrival Simcoe had been placed in orders as senior military officer in Upper Canada. *

Early in June, Simcoe left Quebec for Montreal on his journey to Upper Canada. He had previously placed himself in communication with the Montreal merchants. On the 9th of December of 1791 a memorial had been forwarded to him, praying that the posts should on no account be surrendered, and pointing out that the great advantages of the fur trade had been lost sight of in the treaty, the chief

* [Simcoe papers, I., p. 505. Simcoe to Yonge, 17th June.]

emporium having been allowed to remain fifteen miles within the United States limit, and deploring the sacrifice of territory by the incompetent negotiators.* The memorialists trusted the trade would be put on a satisfactory footing.

A second memorial followed, setting forth that the United States had not fulfilled the treaty. They had even made additional laws to prevent the honest creditor being paid his debts; and British subjects had been insulted when enforcing their just claims. In former times the trade from Detroit had from Oswego passed down the Mohawk to New York. The passage to the sea by the Saint Lawrence was in every way capable of competing with this route.

Simcoe reached Kingston in July, when he commenced the organization of his government. The legislative council was assembled to its full number of nine, the new members being Mr. Munro, of Matilda; Mr. Duncan, of Rapid Plat; Mr. Baby, of Detroit; Mr. Richard Cartwright, junior, of Kingston, and Mr. Hamilton, of Niagara.† Simcoe remained at Kingston during July, and meetings of the council were held from the 8th to the 21st. He himself took the oath as governor on the 8th. Osgoode, Russell and Baby were sworn in as executive councillors on the following day, Grant on the 11th. A proclamation which continued the judges and civil officers in their official duties was issued. On the 10th of July, the militia returns were laid before the council, and in accordance with them the province was divided into counties and districts, to admit of the distribution of the members, sixteen in number: a duty which occupied the council from the 10th to the 15th. On the following day,

* "We have ever deplored with the deepest regret the impolicy and want of local information and lavish unnecessary concession which induced the negotiators of the Treaty with America to lay at her feet the most valuable branch of trade in this country by ceding so large a territory, and thereby to present her with the means of our future subjection by putting the keys of our remaining colonies into her possession." [Simcoe papers, I., p. 73.]

† Robertson, who had been appointed in England, shortly afterwards resigned. He was never in Canada. He was replaced on the 21st of June, 1793, by Æneas Shaw.

the 16th, the proclamation was issued for holding the elections and the meeting of the legislature: the first parliament being called to assemble at Niagara on the ensuing 17th of September, 1792.

Simcoe reached Niagara in August. As his letters shew, he looked upon his stay there as but temporary, for he wrote that he had established the Rangers at the new landing at Niagara, and in the spring would occupy a post in Toronto.

Mr. John Macdonell, of Glengarry, was elected speaker of the first house; among the members elected was Mr. Philip Dorland, from Prince Edward county. Being a quaker he declared himself unable to take the oath, but stated his willingness to affirm. This course being considered not in accordance with the law, a new election was held.

The parliament lasted until the 15th of October. Eight acts were passed. The most important abrogated the ancient laws of Canada; they were to be of no force or authority in any part of the province. No existing right or contract was to be affected by the change; in all future controversy, resort should be had to the laws of England. The forms of law and equity were to be regulated by the British rules of evidence; the law not to interfere with the provisions affecting ecclesiastical rights within the province, or the maintenance of the poor. Trial by jury was established. A law was passed for the recovery of small debts. Millers were restricted to the allowance of one-twelfth for milling and bolting; and provision was made for building a jail or court house in each of the four districts: Eastern or Johnstone, Middle or Kingston, Home or Niagara, Western or Detroit.

The first assembly appears to have generally comprehended persons of prominence in each of the sixteen districts. We learn from Simcoe that the feeling was against the selection of half-pay officers, and the prejudice ran in favour of men of the lower order "who kept but one table," that is, dined in common with their servants.*

* [Can. Arch., Q. 279.1, p. 79, 4th Nov., 1792.]

We may infer from Simcoe's letters that he endeavoured to obtain the election of men of some education and political training. He speaks of his "good fortune that the temporary residence I made at Kingston created sufficient influence" to return the attorney-general, Mr. White. It was also a matter of congratulation that lieutenant Smith, the son of major Smith the commandant of Detroit, had been elected by that district. Detroit at that date and until 1796 was subject to the government and laws of Canada, and was regarded as a part of the province.

The attention of the house was for a time directed to measures which were withdrawn as their unwise character was understood. Provision for the officers of the house was made, Simcoe considered. with extreme liberality, in the circumstances of the country; many also of the members were not unwilling to be the recipients of an allowance for parliamentary attendance. The proposal to meet revenue by a tax of sixpence a gallon on wine and spirits was carried in the lower house, but thrown out by the council; this event caused some disageement between them, which, however, in no long time subsided. The introduction of the county tax on land was rejected, the plea being that it would discourage emigration. It could hardly find favour in an assembly nearly every member of which was a land owner. One serious question of the day was the marriage bill. A measure had been introduced into the council to make all irregular marriages valid. It was withdrawn, on an engagement being entered into that an act should be prepared in the recess and submitted to England, in order that legislation might effect the object aimed at.

The difficulty on this point had only come into prominence since the foundation of Upper Canada in 1784. In the old province of Quebec the protestants had been few in number and confined to the cities or to localities where clergy were present; and there had been no cause for any irregular ceremonies. In the country parishes the *curé* would have officiated, for the wife, it may be said, in all cases

was French Canadian. In the western province the matter was different. It must be remembered that at this date, by English law, no marriage was legal unless performed by a church of England clergyman; consequently, the children by other marriages were by law illegitimate.

In many cases, in the neighbourhood of the posts where no clergyman was present, the service had been read by the commanding officer or by an officer appointed by him. In other parts of the country, at the time of the first settlements, the justice of the peace had performed the ceremony. Many districts were imperfectly provided with clergymen, and in these cases laymen had officiated. A strong feeling had grown up, whatever the moral character of the relationship, that the children from these marriages had no legal right to the inheritance of the property of their sires. The relief asked was legislative authority to place the legality of these past marriages beyond the reach of dispute, and to provide a law for the future validity of all such unions.

What made the case more embarrassing was the few clergymen of any denomination in the province. Only a small proportion of the population belonged to the church of England; and it was expected that the increase of population from the United States would include numbers who belonged to the nonconformist forms of the protestant faith.*

* Report on the subject of marriage and the state of the church of England. Richard Cartwright, junr., Newark, 12th October, 1792. [Can. Arch. report, 1891, Appendix, p. 86.] Mr. Cartwright thus describes the condition of the several churches: "In the Eastern Districts, the most populous part of the Province, there is no church clergyman. They have a Presbyterian Minister, formerly chaplain to the 84th Regiment, who receives from Government fifty Pounds p. ann. They have also a Lutheran Minister, who is supported by his Congregation, and the Roman Catholic Priest settled at St. Regis occasionally officiates for the Scots Highlanders settled in the lower part of the District, who are very numerous and all Catholics. There are also many Dutch Calvinists in this part of the Province, who have made several attempts to get a Teacher of their own sect, but hitherto without success.

"In the Midland District where the members of the Church are more numerous than in any other part of the Province, there are two Church Clergymen, who are allowed one hundred pounds stg. p. ann. each by Government, and fifty

The establishment of an official journal took place a few months after the prorogation of the first parliament. "*The Upper Canada Gazette, or American Oracle*," appeared on the 13th of April, 1793, and was published at Niagara until 1798. The printer was Louis Roy, who accompanied Simcoe from Quebec on November the 5th, 1792. Simcoe sent a requisition for what was required for the printing office of Upper Canada, a proof of the establishment of the printing press as coeval with constitutional government. *

It has been said that from a map of the river la Tranche obtained at Quebec Simcoe had formed decided views as to the eligibility of the district, both for settlement and as a channel of communication with lake Huron. Toronto, as a port in lake Ontario, also presented advantages nowhere to be obtained on that lake. The selection of Newark, as Niagara was then called, for the meeting of the legislature was simply a matter of temporary convenience. For the time it was under the protection of the fort; but if the posts were to be ceded, no place could be more exposed. Simcoe, accordingly, had formed the theory that the future capital should

pounds each by the Society for the Propagation of the Gospel. There are here also some itinerant Methodist Preachers, the Followers of whom are numerous. And many of the Inhabitants of the greatest property are Dutch Calvinists, who have for some time past been using their endeavors to get a Minister of their own Sect among them. In the Home District there is one Clergyman, who hath been settled here since the month of July last. The Scots Presbyterians, who are pretty numerous here, and to which Sect the most respectable part of the Inhabitants belong, have built a Meeting House and raised a Subscription for a Minister of their own, who is shortly expected among them. There are here also many Methodists & Dutch Calvinists.

"In the Western District there are no other clergy than those of the Church of Rome. The Protestant Inhabitants here are principally Presbyterians."

† A printed copy is extant of Simcoe's speech on the 18th of September, 1792, when the first parliament was opened: a publication to be regarded always with interest as the starting point of constitutional government in Ontario. The speech is followed by the replies of the council and assembly, with Simcoe's speech on prorogation, the 15th of October. There is a letter of Simcoe to King, the under secretary of state [Can. Arch., Q. 279.1, p. 217], in which he transmits an authentic copy of the speech at prorogation, on the ground that the first copy sent is inaccurate. Doubts have been thrown upon the paper above named as being a contemporary document. I do not myself entertain them, and consider it to be the earliest example of political printing in Ontario.

be placed inland, and from the reported fertility of the valley of the river la Tranche he had judged that some central spot upon its waters should be selected. He determined to examine the country himself, and on February the 4th, 1793, started on an expedition overland to Detroit. That fort was then held by the 24th regiment. As the party on their return reached the river, which by that time had received the name of the Thames, some writers claim it was first so called by Simcoe, a halt was made. Simcoe passed a day in the examination of a spot to which his attention had been directed, and formed the conclusion that the site was eminently calculated for the future metropolis of Upper Canada. The advantages it offered were "its command of territory, internal situation, central position, facility of water communication up and down the Thames into lakes St. Claire, Erie, Huron and Superior," and what is a matter of surprise at this day, it was declared to be navigable for boats to nearly its source. Simcoe returned to Niagara with the firm conviction that the future capital should be established at the spot he had visited.

In February, war was declared by France against Great Britain and Holland. The news of the commencement of hostilities was received at Niagara in May. The matter was of great significance, for it gave ground for belief that, Great Britain being now engaged in war, an attempt would be made by the United States to seize the posts by force, it being well known that Canada was garrisoned by a force insufficient for their defence.

The revolution in France had received much sympathy in the United States, as in the first instance it obtained countenance in England with liberals of the school of Fox. As he expressed himself in the house of commons during the debate on the Canada act, there was with many a sentiment of satisfaction that France had shaken off the harsh oppressive government of the days of Louis Quatorze. There was a contrary and more powerful feeling with the men who entertained no such views. They remembered that for a century

England had been engaged in a struggle with France for the preservation of her existence; and the very last war begun by France had no cause but in her desire to weaken and humiliate Great Britain. As a proof how frequently conclusions generally accepted are often based on error, a numerous class had formed the view that the revolution would take away both the strength and much of the desire on the part of France to persevere in this continual enmity. It had been so found in 1787, when Great Britain, in union with Prussia, prevailed against France in Holland. The following year France had not been in a position to accept the tempting offer of special commercial rights by Tippoo Sahib, contingent on the continuance of the support given to his father, Hyder Ali, by sending a *corps d'armée* of 3,000 men to his aid. I have related how France refused to support Spain in her pretensions as to Nootka Sound.*

The events which had taken place in France, the massacre of the royal guards, the king and queen brought in triumph from Versailles to Paris, the confederation meeting on the Champ-de-Mars, had in England led on one side to an unreasoning opposition to every project of reform and change. In another direction, it had encouraged advanced politicians to great activity in the demand for parliamentary reform, and for the introduction into their own government of the principles set forth in the declaration of rights. Strength was given to this feeling by the failure of the nonconformists to obtain any modification in the test and corporation acts. In 1789, Dr Price had preached his sermon before the revolutionary society, in which he foretold that the example was given for the dominion of kings and priests and all despotism to be swept away. The response made to this event in France brought the society into prominence, and clubs were established in most of the larger cities, which considered themselves to be affiliated with those in France. One of the dreams that arose was that henceforth war would disappear, and nations would enter into a comity of peace and

* [Ante., pp. 296–299.]

brotherhood. In the early days of the revolution, Pitt in the house of commons used the most generous language towards France, in which he foretold that the establishment of freedom would result, as a consequence, in order and good government, and that France would become one of the most brilliant powers in Europe. In the same debate Burke affirmed the French had shewn themselves the greatest architects of ruin that had ever existed; and made the declaration that the principles of the French revolution were proselytising in their nature, and that the government being in the hands of reckless unscrupulous fanatics would daily extend in influence. Already it had gained partisans in every country in Europe, and particularly in England. On his part he had unceasingly declaimed against it. From the danger by which he considered the country was threatened, he advocated that Great Britain should give a moral support to the continental coalition, with the feeling that the country would be inevitably drawn into the conflict; and his efforts were directed to engaging his country in a war to stop the progress of the revolution he had learned so bitterly to hate.

After the attack of the Tuileries, on the 10th of June, the British ambassador had been recalled from Paris, and the French ambassador de Chauvelin, who remained in London, was still regarded as receiving his credentials from Louis XVI. In December, Maret, afterwards duc de Bassano, was sent on a secret mission to England, and in an unofficial interview with Pitt an attempt was made to examine into the grievances complained of on both sides. Great Britain contended that her allies had been threatened, and cited the injustice to Holland shewn by the declaration that the lower navigation of the Scheldt had been opened to the inhabitants of the low provinces. Complaint was especially made of the decree of the 15th of November, by which the national convention promised their aid to all peoples suffering under the yoke of tyranny; also, of the constant offensive declarations of hostility against all governments by the Jacobins; proceedings which encouraged revolt and

created unceasing disorder. The interview had no result, and on the news of the public execution of the king, on the 21st of January, 1793, the French ambassador received an order to leave the kingdom within eight days.

On the 1st of February, 1793, war was declared by the convention against Great Britain and Holland.

That the possibility of war had been foreseen by the British ministry may be admitted, but cause for hostility had not been sought. Pitt's career establishes his desire to avoid war. His policy had been dictated by the desire of placing the finances of the country on a firm basis. His efforts had been given to reduce the debt, to adjust the taxation, and to establish a system of collection so that fraud would not prevail. In 1784 he had entered into a French commercial treaty, and his administration had been devoted to the improvement of the national revenue. The complication of continental politics, after the death of Joseph II., in 1790, had threatened a European war, which affected Great Britain, owing to her alliance with Russia. Pitt's firmness in refusing to sustain the aggressive policy of Frederick William greatly contributed to the establishment of peace. At the time, its continuance was by no means assured, although Russia was exhausted in regard to money and Austria had every reason to discontinue the war. Pitt's statesmanship principally aided to subdue the storm which threatened Europe, and it furnishes the historic testimony that the war which began in 1793, the most trying, exacting and durable in the annals of the British empire, was forced upon the country and accepted as an unavoidable consequence. Pitt, moreover, was not a war minister; in this respect, the reverse of his father. His genius as a political leader is the cause of his fame. For the conduct of the war under his ministry was unfortunate, and would have been disastrous except for the naval supremacy of the country, which enabled Great Britain really "to weather the storm," and, by sweeping her enemies from the four seas, to shew to the world that she continued to be, and, if true to herself, she must ever remain, the mistress of the ocean.

CHAPTER VI.

In the United States the French revolution was received with warm feelings of sympathy. The part taken by the French in the war of independence could not fail to call forth the most earnest desire, even with men of moderate views, that the abuses which had prevailed unchecked in France should no longer be tolerated. There was little that took place in the first years of the movement to suggest the belief that events would drift into the reign of terror; into legalized murder, and the subversion of all law and order. Even practised European observers considered the French monarchy to be too firmly grounded to be shaken. To the residents of the United States who visited France in the first years succeeding the peace, the condition of the country bore the aspect of unalloyed prosperity. Society was never more brilliant, and whilst in high social life frivolity reigned in full supremacy, uniting with it the indescribable grace which good manners and high breeding confer, in other circles, the pursuit of science and of learning was attaining a general recognition before unknown. A class, too, which frowned upon the traditional manners of the regency, and professed a higher moral feeling, as shewn in their lives and the literature they read, was making itself felt. And there had arisen a general belief in the perfectibility of human nature. The errors of mankind were imputed to the hard conditions under which it was the fate of too many to live; and it was assumed that, with wise laws, just government and education, humanity would infallibly proceed onwards to attain perfection. The political difficulties known to exist at this time caused no great anxiety, at least in the large cities. There was a general hopefulness that in some way they would be overcome, and prosperity would continue unimpaired and even increase.

The failure of the notables, in 1787, to find any solution to the pressing difficulties of the time, and the avoidance of the privileged classes of the obligation to pay their proportion of the general taxes, changed this halcyon tranquillity and led to the assembly of the States-general of 1789 with the contentions which arose. The excesses of the Parisian mob, which ended in revolt and in the storming of the Bastile, were profoundly felt in the cities of the United States, the more so that their consequences were not foreseen. With men who held the opinions of Jefferson there was a great admiration of France, in no small degree having its origin in hatred of England. Such as these desired to give every moral support to France, however national relations with other countries might be strained. The new constitution of 1791, the flight of the king to be brought back a prisoner to Paris, the intervention of the European powers in 1792, leading to Dumourier's victory at Valmy, and the duke of Brunswick's abandonment of the invasion caused an emotion in the United States, as if the events had been passages in their own history. The news of Dumourier's victory was received at Philadelphia, New York and Boston with extravagant rejoicings, and a strong feeling of jubilation became extended over the whole country. What particularly seized the imagination of a large proportion of the city population of the United States was the republican sentiment that arose in France and abrogated all titles of honour and respect. To the minor politicians it was legislation peculiarly acceptable. A crusade arose against the observance of old courtesies and old social distinctions, and a demand was made that life should be framed upon the maxim of French republicanism, "liberty, fraternity and equality." The cap of liberty, the Phrygian bonnet, was to be seen in the houses of all enjoying these opinions, while the terms "dear sir," "his worship the mayor," "his excellency the president," and all expressions of this class were to be set aside while the word "citizen" was brought into use as the only admitted prefix. This enthusiasm was not persistently

maintained; the execution of the king and queen, followed by the reign of terror, did not furnish examples for imitation, even with the warmest admirers of French liberty and progress. The United States had but lately passed through some years of uncertainty and anxiety, and the fears for the future then entertained, must have been remembered. Their own constitution had been recently framed, and its working was at this time not perfectly assured. The first meeting of the legislature had been held in 1789 in New York, when the antagonistic interests of north and south, the non-identity of the views of government, and the theories passionately expressed of the duties, powers and obligations of the central government had been made sufficiently apparent. With the sober-minded, a strong feeling was called forth that there was a constant demand for prudence, restraint and wise statesmanship. Men of opposite character, with any sense of responsibility, even with moderate theories of the powers of an executive, soon understood that the text of a constitution conferring liberty was not to be found in the records of the Jacobin clubs of Paris or in the proceedings of the mountain of the national convention in France.

On the declaration of war by France against Great Britain, Washington issued a proclamation calling for non-interference, setting forth "that the duty and interests of the United States require that they (the citizens) should pursue a conduct friendly and impartial toward the belligerent powers." It was dated the 22nd of April, 1793, and was published the day that the announcement of the arrival of the French minister was received at Philadelphia.

This person Genet* had reached Charleston, S.C., on the

* Edmond Charles Genet was born in 1765, and had received much kindness from the French court, his sister having been madame Campan, whose well known memoirs have shewn the favourable side of the character of the unfortunate Marie Antoinette. In 1789 he had been sent as *chargé d'affaires* to Saint Petersburg. From some cause, not explained, in 1791, he was informed by count Osterman, minister to Catherine II., not to appear in court. In July he returned to France, when he made himself prominent by his republican opinions, and was appointed minister to Holland. On the

8th of April in the frigate "Ambuscade" of thirty-six guns. Never was a minister of a foreign power in a friendly country more personally offensive to its authorities, or one who more set at defiance national comity or personal propriety. That the United States were not at once involved in the war, and forced by Genet to take part in the quarrel, was due to the firmness and judgment of Washington, and of his advisers who acted with Hamilton and Rufus King. Jefferson sustained Genet, in which course he was supported by Madison. Both were opposed to the president's proclamation. No event redounds more to the national honour of the United States than the conduct of the executive on this trying occasion, but it is only imperfectly known in English history. On one side the character of Washington obtains additional lustre from the judgment and patriotism of his policy, for nothing could have been more suicidal than for the United States to have recklessly embarked in a contest in which they had no interest, as a mere sentiment towards France. On the other side, the contemptible character of Jefferson is unmistakably established. He was secretary of state in Washington's government. Nevertheless he encouraged his creature, Philip Freneau, a clerk of his department, in the scurrilous abuse in which he indulged, not simply to attack the government of which he was a member, but likewise to defame the personal character of Washington. The object was that Washington might be pulled down and he himself come into greater prominence. Hamilton he detested. It was the one sentiment stronger than his hatred of England; for Hamilton was the great opponent to his desire

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declaration of war against that country he was nominated to the United States. On being superseded in 1794 as minister he did not return to France, for these were the days of the "Reign of Terror." During his residence in the United States he had at an early period married a daughter of governor George Clinton, of New York, a connection which probably influenced him to become a naturalized citizen. After the death of his first wife he married a Miss Osgoode. He never afterwards took any part in public life, although he lived until 1834. Genet had a knowledge of Swedish; when only twelve years of age he translated the history of Eric XIV. by Celsius, and Nicolas Idman's treatise on the Fins.

to embroil his country in support of France, in order that his own political power should be affirmed and his personal antipathies gratified. War between the United States and Great Britain included likewise war with Canada, and the event in this view is a part of Canadian history.

Genet landed at Charleston, to be enthusiastically received by the governor, Moultrie, and a sympathising mob. His duty was to proceed to Philadelphia and there present his credentials to Washington and obtain official recognition. Without taking this essential step, he gave instructions to every French consul in the United States to act as a court of admiralty, to judge the prizes brought in by French cruisers. He purchased two vessels, which he named "Citizen Genet" and the "Sans Culottes;" these he equipped, armed and manned with United States seamen, and sent out to prey upon British vessels engaged in American commerce.

After the landing of Genet "L'Ambuscade" sailed for Philadelphia. Such British vessels as were engaged in the West Indian trade and came in her course with rich cargoes she endeavoured to seize. Some were too swift for her and escaped; others were taken and sent into Atlantic ports in charge of prize masters. As "L'Ambuscade" entered the United States waters of Delaware bay, she seized a British merchantman, the "Grange;" this vessel was sent to Philadelphia as a prize. So great was the activity displayed by Genet in attacking from United States ports British vessels that, within twenty-three days after his arrival, the British minister, Hammond, brought to the notice of Jefferson a long array of the consequences of his mischievous disregard of international law. Genet arrived in Philadelphia the day after the "Grange" had been brought in. He was received with a perfect turmoil of respect and attention. He had travelled by land from Charleston, and his journey was one ovation of homage and sympathy. On the 18th of May he was received by Washington as minister plenipotentiary. Genet was repelled by Washington's cold, official recognition. What particularly offended him was that he

saw in the room the "medallions of Capet and his family." Genet fared otherwise with the general public; on all sides he was caressed and entertained. At a dinner he himself sang a republican song, in vogue in France, of which the refrain was the adored name of liberty.

Genet lost no time in demanding payment of the $2,300,000 owing to France. The money, he admitted, was not due, but France was pressed by want of funds. He represented that it would be expended in the purchase of provisions to be sent to Saint Domingo. He likewise placed on record his authority to conclude a new treaty, on a liberal and fraternal basis as a family compact. Jefferson's official reply was that treaties could be made only with the sanction of the senate, and that the body did not meet until autumn, In answer to the application for payment of the debt, Hamilton stated that the United States were without funds, and, if the treasury were replete with money, compliance with the demand would be held by Great Britain as a violation of neutrality. Genet answered, in terms of rage, that he would assign proportions of the debt for payment of the supplies he desired to obtain, and against this course Hamilton equally contended.

While Jefferson was prepared to sustain Genet as far as possible, those ministers who viewed his conduct in the spirit of statesmen were astonished at the insolence of the man, and resolved that he should not with impunity defy the government of the country. One of his arguments was that United States citizens found on board of a French vessel had ceased to hold that character and had become sons of France. The reply to this audacious proposition was that orders were given by the United States government for all vessels being fitted out as privateers to be seized, and the "Citizen Genet" was ordered out of the United States waters. These instructions led to counter demonstrations. Mobs paraded the streets, cursing the government and calling for a declaration of war against England. A second dinner

followed, when Genet sang the "Marseillaise," with two additional stanzas of his own composition.

The complaint of the British minister was answered by Jefferson to the effect that United States citizens had the right to make and sell arms, and if seized the owners could not complain, for they had been warned. It was not, however, possible to view with indifference the action of the French consuls in the matter of prizes, and their conduct was pronounced illegal. The seizure of the "Grange" was declared to be an insult to the United States. The letter of the British minister had been sent to Ternant, the French minister, on Genet's arrival, for Genet had not then been officially recognised. It fell, however, to Genet to reply to it. He knew nothing of the purchase of arms. He had directed the "Grange" to be given to her owners; he justified the purchase and despatch of privateers; he had submitted the matter to the governor of South Carolina, general Moultrie, and with his approval the vessels had put to sea. He appealed to the treaty to sustain him. As one of the articles gave power to bring prizes into each other's ports, Genet drew the inference that he possessed the right to condemn prizes so brought in. On the same principle, the treaty refused the right of the enemies of one party to fit out privateers in the ports of the other; and in Genet's view it confirmed the right of the principals to commission privateers in each other's ports. However willing Jefferson was to be influenced by this flimsy argument, he could give it no countenance, and orders were issued to seize all vessels which were being equipped as privateers.

"L'Ambuscade" found her way to New York. There was a strong party who felt disgust at the conduct of Genet and had ceased to have sympathy with the French revolution; moreover, they desired to avoid all proceedings which would weaken amicable intercourse with England. A privateer, re-christened the "Republican," was seized. Both the consul at New York and Genet wrote insolent letters to the government. Nevertheless, law prevailed and the vessel was held

Several vessels, however, escaped this vigilance and put to sea. In the case of the "Little Sarah," renamed the "Petit Democrat," a prize brought in by "L'Ambuscade," Genet flatly refused to detain her one hour. He complained of being ill-treated by the government, threatened to appeal to the people against the decision of the president, and declared that if an attempt was made to detain her it would be resisted by force.

The vessel sailed from port, Jefferson allowing himself to be duped by Genet's explanation. It is impossible to acquit Jefferson of compliance with her leaving port. He was opposed to Washington's policy of neutrality, and his creature, Freneau, was specially required to denounce it. Jefferson himself was possessed of but moderate literary ability, so he induced Madison to reply to a series of letters signed "Pacificus," in which the policy of Washington's government was ably vindicated. The writer of them was Hamilton. There is scarcely a parallel in political life of treachery equal to that of Jefferson. It is not a strained supposition that Jefferson privately had confidential relations with Genet, and that Genet, believing he could place reliance on the protection of Washington's secretary, persevered in his audacity.* Jefferson's sympathy with France would have led him to sustain Genet's pretensions, and, seconded by Randolph in the discussions in the cabinet, he had given all the support that was possible to the French minister. He had desired to leave the matter of the captured vessels to the decision of the courts, and that no intervention should take place on the part of the government. He also opposed the proposition that the French government should be applied to to remove Genet from his official position.

The violence of Genet awoke a strong sense of the dangerous direction in which the country was drifting. It was

* Genet, in his published letters, reproached Jefferson for the attack made upon him in the letters requesting his recall, "after pretending to be his friend, and initiating him into mysteries which had inflamed his hatred against all those who aspire to an absolute position," an evident allusion to Washington and the

nothing less than war with Great Britain, in support of France, advocated by a party, by no means insignificant in numbers, the leader of which was Jefferson, sustained by Randolph and Madison. It became plain that active support must be given the government in the policy it was enforcing, if the desire to preserve peace was to prevail. Addresses were accordingly sent to Washington, pledging the signers, and they were men of the first influence and position, to support the maintenance of neutrality, and recording their thankful acknowledgment that the proclamation had been issued. These addresses came from Boston, New York, Philadelphia, from all the principal ports of New England, and from the south, with the exception of Charleston. The very places which had shewn the tumultuous welcome to Genet on his journey from Charleston to Philadelphia, Alexandria, Baltimore and Richmond, similarly asserted themselves. The impudent violence of Genet and his partisans had turned public feeling against the French cause.

At Boston the French vice consul intervened in a matter of a prize brought into port, on which the U.S. marshal had served a writ of replevin. The consul had called upon the captain of a French corvette, then in the harbour, to send a party of marines to take the prize in possession. Washington revoked the *exequatur* of the consul. Genet wrote to Jefferson, with more than his usual insolence, that he did not recognise the proclamation, that the president had overstepped his authority, and demanded that the vice-consul's conduct should be looked into by the sovereign state of Massachusetts. At Philadelphia some French partisans endeavoured to kill a man on board a vessel from Saint Domingo, on the ground that he had been inimical to the French cause. He was saved only by being rescued by the bystanders, and taken to the city hall. On the following day

other members of the cabinet. Further, Genet wrote, "that it was not in his character to speak, as many people do, in one way and act in another, to have an official language and language confidential." To these serious accusations no reply was made by Jefferson.

a crowd surrounded the building, demanding that he should be given up to their vengeance, but they failed through the firmness of the authorities. At New York, in defiance of international law, Genet invited the refugees from Domingo to form themselves into a battalion to serve the French republic.

The strong feeling excited by Genet's threat to appeal to the people, a statement which obtained authority by Jay and Rufus King having assumed responsibility for its truth, led Genet personally to write to Washington. His letter, it is hardly necessary to say, was offensive; he called upon the president to make an explicit denial of the fact of his threat. He received a reply from Jefferson that it was not customary for foreign ministers to have direct correspondence with the president, and that the president did not think it a matter of duty or propriety to reply to the statement. In a note to Randolph, the attorney-general, he demanded that Jay and King should be prosecuted for libel. He was referred to the courts.

Two of his schemes now became known. By his agents he had begun in South Carolina the organization of a force, designed to march through Georgia to attack Florida. The second was an expedition against New Orleans. Commissions had been issued by him, and men enlisted in Kentucky to descend the Mississippi and seize the city. The leadership had been given to George Rogers Clarke, whose operations in Illinois, and with regard to Vincennes, I have recorded.* United States writers represent him as being in extreme embarrassment, chiefly owing to his intemperate habits, and, hence, ready for any expedition which would bring him money. The execution of these plans had been impeded from want of means to carry them out. Genet was one of those natures that impulsively adopt a policy without seeing a clear way to its execution; he had evidently counted on some arrangement by which the remainder of the debt due to France could be obtained as the fund to work upon. When

* [Ante., VI., p. 501.]

the facts were only imperfectly known, steps were taken to inquire into the character of these reports. The Spanish minister brought to Jefferson's attention the proposed attack on New Orleans. Shelby, the governor of Kentucky, to whom the matter was referred, stated that he was powerless to intervene. Indeed, the project collapsed only from want of money to carry it out and from Genet's recall.

Baron Carondelet, governor-general of Louisiana, wrote to Simcoe * informing him of the proposed attack on New Orleans, and that brigadier Clarke on behalf of Genet was raising 5,000 men; believing that it was the interest of Great Britain that Louisiana should remain in possession of Spain, he applied for assistance to resist the attempt. He asked that a corps of 500 men should be sent to Saint Louis. Simcoe replied from Miami Rapid stating that he was present to establish a post in case Wayne should invade the British possessions. † He agreed in the opinion that it was for British interests that the territory should be possessed by Spain. He was, however, unable to afford assistance even if authorised to do so, for he had not the necessary force. Moreover, the Indians were determined to resist the encroachments of the United States, who were claiming their whole country, and in these circumstances his own position demanded much caution.

Genet's conduct had reached such a pitch of audacity that Washington proposed to his cabinet to discontinue his functions and to order him out of the country. Had this course been followed, it is probable that Genet would have ended his days by the guillotine, for the Girondists who had appointed him had suffered that fate, and Robespierre was in power. Washington was sustained in this view by Hamilton and Knox. As might have been expected, it was opposed by Jefferson and Randolph. They suggested, what was in itself ridiculous, that Genet might not obey the order, and that the government had no power to enforce it. It

* [Can. Arch., 69. 1, p. 38, 2nd January, 1794.]

† [Ib., p. 41, 8th April.]

was more sagaciously pointed out that the act might be regarded as one of persecution, and might revive Genet's popularity to the extent of influencing the elections for the next congress. It was said, besides, that it would expose the United States to the enmity of France, the only nation, as Jefferson thought fit to express himself, sincerely friendly to them. It was, therefore, determined to apply to France for Genet's recall. The request was conceded, and in 1794 Fauchet arrived from France to replace him. Genet ceased to be the accredited minister, but he felt it prudent not to return to Paris, and he remained in the United States, in a few months to pass entirely out of notice.

No active measures were taken by Genet to effect any direct result in Canada; but the province was visited by his agents, who were not sparing of endeavours to stir up bad feeling in every direction. In October, M. Galbaud, governor of Saint Domingo, had arrived with his aide-de-camp and a sergeant. Galbaud pretended that he had quarrelled with Genet, and therefore had sought refuge in Canada. He with his staff surrendered as prisoners of war and signed their parole. At Montreal, Galbaud attracted attention by his conduct, and gave ground for the belief that he was tampering with the Indians. He had expressed a desire to remain in Canada for the winter, but he created such suspicion that he was ordered to sail for Europe. He avoided this course by secretly leaving for the United States. The sergeant remained behind in Montreal, where he endeavoured to establish clubs among the humbler classes. He was arrested, and shipped for England.* Genet's intrigues by no means failed in exercising a mischievous influence. They were reported to the home government, for the duke of Portland wrote that "he was sorry to find . . the progress made by the French agents of Genet to produce a feeling shewn in acts of a mutinous and treasonable character." †

* [Can. Arch., Q. 66, p. 171. Dorchester to Dundas, 23rd Oct., 1793.]
† [Can. Arch., Q. 68, p. 137, August 13th.]

Genet's discomfiture greatly increased the strength of the government and of the federal party, while Jefferson's retirement from the ministry, at the close of 1793, did not encourage the partisans of France in their boisterous agitation. His last official papers consisted of attacks upon the British government. The retention of the posts had been justified by the British ministry on the ground of the difficulties created in the courts of law for the collection of debts due to creditors in England. Jefferson set all truth at defiance, and declared that no impediment existed. A second report followed, in which he recommended a tariff of discriminating duties, specially directed against Great Britain. Jefferson retired to his place at Monticello, declaring that he had abandoned political life. In this position he has been described by a leading historian of the United States as "the spider drawn into a corner, yet still sensitively feeling every thread of his wide extended net to play no less assiduously at Monticello, than he had done at Philadelphia, the part of a watchful, zealous, untiring party leader." * His influence on Madison had in no way decreased, for on the meeting of the new congress, in January, 1794, Madison introduced a series of resolutions, proposing discriminating tonnage duties on the vessels of powers not in alliance with the United States; further, that special import duties should be imposed on the manufactures of such nations. In the matter of the West India trade, that the importations of foreign vessels from ports to which American vessels were not admitted should be specially taxed. After the resolutions had been debated for a month, and they had manifested an extremely angry feeling towards Great Britain, the first of the number was carried by fifty-one to forty-six. What was then called the republican party, in opposition to that of the federalists, had abandoned the tone of argument which they hitherto had directed against the government, viz., assailing them for having funded the debt; the aristocratic tendencies of the executive; its imitation of British institutions; its

* [Hildreth, IV., p. 455.]

want of sympathy with France. On this point the intelligence of the country was against such policy. What Jefferson and Madison trusted would act as a lever to raise them to power was, unfortunately, a widespread antipathy to Great Britain. The republicans came into power seven years later. That they did succeed in their efforts was neither by the wisdom of their policy nor owing to the general weight of public opinion in their favour. The federal party lost the confidence of many of its supporters by the want of judgment shewn in the advocacy of the alien and sedition bills, and by much vacillation on the part of Adams.* Had Hamilton been listened to, the federalists would have retained their prestige.

The causes of discontent against Great Britain, although dwelt upon by the politicians desirous of profiting by the enmity they were striving to create, are simple of explanation. Prominent with the south was the serious grievance that Carleton, in the evacuation of New York, contrary to the treaty had carried off negroes. There can be no doubt that such was the case; but in Carleton's view these persons, regardless of colour, were loyalists, and it would have been infamous to have left them behind because they were not white men. The retention of the posts had been adhered to by Great Britain on the ground that the treaty was not being carried out in the matter of the debts due to English creditors, and that unnecessary and insurmountable impediments were thrown in the way of their collection. England was even arraigned on the charge that she had brought her influence for peace to be declared between Algiers and Portugal. During the war, the cruisers of Algiers had been kept in their ports by the Portuguese fleet, so they had been

* [The closeness of the electoral contest on this occasion establishes this view. In 1801, for Jefferson and Burr sixty-six votes were recorded; for Adams, sixty-five; for Pinckney, sixty-four. During the contest, when it seemed as if New York would be unfavourable to Jefferson, he sought the influence of the Livingston family by appealing for their support with the declaration that it was necessary to have men of family and character in his administration, and that the name of Mr. Robert Livingston could not be omitted.

unable to prey upon United States commerce in the Mediterranean and the Atlantic. Great Britain was also accused of inciting the Indians to war; it was also pretended that it was owing to her encouragement their hostilities had increased. The view in Canada of both Dorchester and Simcoe was that, although the treaty of Paris confined the boundaries of Canada within a given limit, it did not make any cession to the United States of the Indian lands south of that boundary: that any authority the United States saw fit to advance over any Indian lands was totally independent of the treaty, for it could in no way be based upon it. The tribes, acting in unison, desired that a distinct limitation should be established between the United States and their hunting grounds. They claimed that the dividing line should follow the Ohio to the Mississippi, leaving the territory to the north in their possession. The western bank of the Mississippi was held by Spain; so the territory in dispute was contained between the Canadian boundary and the Ohio, extending westward to that river.

On whatever theory they acted, the United States settlers entering from Kentucky would in no way be restrained to this limit. They forcibly took possession of land north of the Ohio, and the enmity of the Indians became aroused by what they held to be the spoliation of their soil. Nevertheless, so far as it was possible, the observance of peace was enforced from Quebec. The forts being still held by British garrisons, Indian agents were present to exercise what control was possible, and it was exerted in this direction. While the desire to maintain peace was strongly expressed by Dundas in his letters to Simcoe, the principal object of the policy advocated in London was the definite settlement of the boundaries, so as to guard against the sale by the Indians of their land to either country: consequently that no part of the territory should come into the possession of either, and should remain unsettled. This impracticable idea became a fixed principle with some of the permanent officials. Subsequently, it was attempted to be applied on

the frontier east and west of lake Champlain. It is, moreover, a proof that the extraordinary development of the continent was not foreseen, and that the impossibility of carrying out a policy of this character was never considered.

In May, three commissioners from the United States appeared at Niagara for the purpose of concluding a treaty of peace with the Indians.* They were received by Simcoe with due courtesy, which they as courteously acknowledged. They asked that British officers might be present at their negotiations with the Indians, and Simcoe appointed major Smith and captain Bunbury, of the 5th, with major Littlehales. They explained that the Indian treaties of fort McIntosh and fort Harman had made it impossible to constitute the Ohio as a boundary, as was then demanded. Simcoe early reported his opinion of the non-success of the negotiation, and that he regarded the meeting as a ceremonial, preliminary to the active prosecution of hostilities. As the commissioners acquiesced in the desire of the Indians that the British Indian agents, Butler and McKee, should be present, Simcoe gave them instructions to attend. They were made to understand that their duty was not to act as mediators, but to explain faithfully the offer of the commissioners, and to use their influence to lead the Indians to accept such of the offers made to them as might be considered advantageous to their interests. They were to be circumspect in their conduct, so as to avoid blame, on the side of the commissioners as on that of the Indians. Simcoe himself sent a message to the council, and quoted the speech of Pickering, made by the authority of the president,† submitting that it was a proof that no claim had ever been made of absolute power or sovereignty over Indian lands, unless obtained by treaty or purchase; further, declaring that the only right over the Indian territory resigned by the treaty was in relation to European nations.

* B. Lincoln; Beverley Randolph; Timothy Pickering.

† "We (the United States) claim no lands but what belong to the nations who sold to us. We claim not a foot of the lands of any nation with whom we have yet held no treaty." [Can. Arch., Q. 64, p. 301, 22nd June, 1793.]

It became plain to the agents that the radical difference between the views of the commissioners and the Indian claims on the situation of the boundary made accommodation impossible. The Ohio had been put forward by the tribes as establishing the limit of the United States possessions; whereas the operations in the field of the United States troops and the construction of forts had clearly shewn they would admit of no such restraint. Fort Washington had been erected on the ground where the city of Cincinnati now stands; twenty-four miles to the north, on the Miami, fort Hamilton had been built; while forty-four miles north of fort Hamilton, approximately, on the dividing line between the present states of Ohio and Indiana, fort Jefferson had been constructed on the head waters of a tributary of that stream. The United States forces were thus established seventy miles north of the Ohio, within the very district which the Indians claimed as their right and heritage. Previous to any meeting, they had resolved to demand the abandonment, even the demolition of the forts, with the resolution to make peace on no other terms than the recognition of the Ohio as a boundary to the Muskingham.

On July the 27th, the confederated Indians sent a message to the commissioners, declaring that the boundary of the Ohio must be accepted by them. The commissioners immediately replied that it was not possible to constitute that river as the limit. A general council of the Indians was held, and on the 13th of August a message was sent that they would accept as a proof of the determination to act to them justly, if their demand of the Ohio as a boundary would be granted. If consent were not given to this proposition, it was useless for any meeting to take place. The commissioners repeated that it was not possible to accept this condition. They regretted that peace did not result; they had explained the liberal views of the United States as far as it was possible to do, and no impartial judges would attribute the continuance of the war to them.

With all whose feelings were in favour of the French

alliance, the failure of this negotiation was held to have been caused by British intrigue, and from the desire to embroil the Indians in war with the United States, and so cause confusion and disaster. It furnished both an additional argument for the demand of unfriendly legislation against Great Britain, and likewise a strong cause why material aid should be given to France. It was in accord with this feeling that Madison introduced the resolutions that I have described.

The date must be remembered when they were submitted. It was the height of the reign of terror in France; Robespierre was in full power; only a few weeks previously Marat had been assassinated, the queen guillotined, and the revolution generally engaged in its course of blood and persecution. Evidently the design was to awaken the most inimical feelings towards Great Britain, without a thought that a union with the French republic would involve the United States in commercial ruin, bloodshed, and all the horrors of a causeless war, with a powerful party in opposition to this remorseless policy of unreflecting rancour and hate. But many of those who subscribed to the doctrines of the opposition, and even were not restrained by much scruple, were not prepared to engage the country in a terrible contest, the end of which no one could foresee, without one plea of justification and without one honest object to be attained; moreover, at a time when the republic was without ships and without an army. Consequently, there was a vote of fifty-one to forty-seven to postpone the subject for a month, to await, as was declared, the result of the negotiations which had been lately begun.

The matter, however, was not ended, for the member from New Jersey moved that the debts due by the citizens of the United States to British subjects should be escheated to the state; the money to be paid into the treasury for indemnification of all who had suffered loss. After a debate of some days another set of resolutions was brought in, to the effect that from violations of the neutral rights and commercial interests of the states committed by Great Britain, and from

the failure to execute the seventh article of the treaty, all commercial intercourse should be prohibited between the two countries.

In Washington's mind these proceedings threatened most serious consequences, for to him it appeared that those who were pursuing their personal ends in this dangerous form were bent upon war with Great Britain. He determined, therefore, to send an envoy extraordinary to St. James' to settle the points in dispute. The man best qualified for the office appeared to him to be Hamilton. He mentioned this view confidently to Randolph, and, before any definite step was taken or even made known, letters denouncing the appointment of Hamilton appeared in all directions. As Washington felt anxious to avoid opposition in a measure calling for concord, he sent the name of John Jay to the senate. On the 19th of April the nomination was confirmed. Within a month Jay sailed from New York, and on the 8th of June landed in England at Falmouth. Shortly afterwards the senate also, by the casting vote of Adams, threw out the non-intercourse bill.

It was during these events that Washington informed the senate that Genet had been recalled, and had been replaced by Fauchet.

Jay was received by lord Grenville with extreme courtesy, and with the expression of a desire to bring the matter to a satisfactory conclusion. One ground of complaint was with regard to the negroes who left New York with Carleton, and for such as were slaves compensation was demanded. The British minister contended that the treaty did not apply to negroes set at liberty during the war. There was the major proposition, which did not come to the surface, that these men had been recognised by Carleton as loyalists and, as such, placed in safety. No compensation could be granted.

The infraction of neutral rights by British cruisers and the condemnation of United States vessels, claimed to have been made on false or frivolous grounds, were capable of adjustment, and it was agreed to defer such disputed matters to

a commission. Three boards of commissioners were named, one, as stated, to estimate the loss sustained by United States citizens in consequence of these irregular captures; a second to determine the losses suffered by British subjects owing to legal impediments in the collection of debts due previous to the revolution, the sum so awarded to be paid by the federal government; the third to determine what river should be constituted as the Saint Croix, named as the north-eastern boundary, to which allusion has previously been made.*

As there was now no ground for withholding the western posts, it was agreed that they should be surrendered on the 1st of June, 1796; the residents in the neighbourhood to have the choice of removing with the garrisons or to become United States citizens. The retention of the western posts had been a great source of complaint, especially with politicians of the republican party, for to the fact of their possession by the British troops they had attributed the hostility of the north-western Indians. The extent to which their own people were the aggressors, in sending surveyors north of the Ohio and taking possession of Indian lands without right, leave, or offer of compensation, never seems to have crossed the minds of United States politicians. The fact is worthy of comment, that peace was obtained owing to Wayne's victory of the 20th of August, ten months before the posts were given over.

It was agreed that there should be a reciprocity of inland trade and intercourse, including the common navigation of the Mississippi; British vessels to be admitted into American harbours to the highest port of entry. The territories of the Hudson's Bay Company were not included. United States vessels were not admitted to the harbours of the North American colonies. The fact of being an alien was not to prevent the possession of land in either country. In the case of war, there was to be no confiscation of debts or of public or private stocks held in either country.

The subject which it was found impossible to accommodate

* [Ante., p. 156.]

was that of impressment. Great Britain engaged in the struggle with France would not agree to renounce this right to man her fleet. The modern conception of sea power now recognized, which we owe to a United States writer,* will make the view then taken by Great Britain more intelligible. The only security to United States seamen was renunciation of the right of impressment on a vessel carrying the United States flag. But this proviso would have increased the difficulty. There was a great number of British seamen in the United States marine, and such seamen as were desirous of avoiding service in the navy would have sought this protection. Jay argued that naturalized citizens had the same rights as those native born. In England, it was argued no one had the right to renounce his allegiance or withdraw himself from the service of his country. Jay found it impossible to obtain concessions on this point, and was too able a statesman to risk the treaty by perseverance in a demand which he saw, perhaps felt, could not be conceded. He also failed in obtaining an equal participation in the West India trade. Great Britain declined to depart from her commercial system except by onerous concessions that Jay could not grant.

Conditions were entered into for governing the action of privateers; for determining what was contraband; and for establishing the laws by which they should be governed; the privileges they should possess in entering the port of either nation; and the shelter they should obtain for themselves and their prizes. No foreign enlistment was to be allowed by either nation for service in a war in which that nation was neutral and the other nation engaged. Any person charged with murder or forgery, on both sides, was to be extradited.

Nothing in Washington's career more redounds to the establishment of his character for prudence and statesmanship than the conclusion of this celebrated treaty. There could

* The two works of captain Mahon, of the U. S. navy: "The influence of Sea Power upon history," "The influence of Sea Power upon the French revolution and empire."

be no misunderstanding as to the direction in which the country was drifting. Madison was endeavouring, by his own feeling of hostility to England, to awaken a sense of wrong with regard to every proceeding of Great Britain and to lead the United States to embark in the contest on the side of France. In this view he was urged on by the dishonest, remorseless complicity of Jefferson, actuated on one side by his leanings to France; on the other, by his pursuit of official power. His whole effort was to discredit the administration of Washington, and to carry the popular vote by the worst of pandering to the passions that he had been active in awakening. The treaty created in favour of the government the most powerful impression with all who were representatives of intelligence and property. As might have been looked for, Jay's efforts were met by a torrent of vituperation. At no time in the history of the United States has political opposition been so bitter, so continued and so unscrupulous. Every possible device was imagined to prevent the ratification of the treaty. Even after the senate, by a vote of twenty to ten, which was the exact two-thirds majority, had advised the ratification,* meetings were held to petition the president against its acceptance. The proceedings were characterized by a most energetic virulence of spirit. No effort was spared to awaken antagonism against all connected with England. This agitation was not, however, to remain unopposed. Very strong feeling was called forth on the part of those who thought otherwise. Meetings were held in every state to sustain the president in his policy. They were attended by an overwhelming majority of the classes who represented the industry, the intelligence and the patriotism of the country, and who had anything to lose by war and tumult and political confusion.

In 1796, when the treaty was communicated to the house of representatives, the virulent opposition was continued. Washington had then ratified it. It is not my duty to enter

* [24th June, 1795.]

into this passage of United States history. There is little to tempt any writer, whatever his nationality, to follow the proceedings, except in the interest of truth, and from the necessity of unshrinkingly placing on record the events of the time. The feeling with the opponents of the government was that the house of representatives might prevent the treaty being carried into effect by refusing the necessary supplies. Finally, the resolution that it was expedient to pass the laws necessary to carry the treaty into effect was voted by fifty-one to forty-eight. Even at this early date it was a question of north and south. Only four New England members voted against the treaty. South of the Potomac only four voted for it. Three of the New England members were supporters of Mr. Samuel Adams, the revolutionary agitator, then governor of Massachusetts. Few governors ever received so pointed a rebuff. He saw fit to send a message describing the treaty as "pregnant of evil," and suggested amendments in the constitution, giving additional power to the house of representatives. The senate voted that it would be an interference with the power entrusted to the central government, for the state legislatures to decide on the British treaty. The lower house, by a large majority, counselled a respectful submission on the part of the people to the constituted authorities.

To my mind, it has been necessary to give this brief history of this famous treaty, for it was the first in the many that followed in the establishment of the commercial relations between the two countries. Not simply from the effect it had upon the international connections which came into operation, but that we may know the extent to which pure political feeling can be enlisted in the determination of questions entirely out of its domain. In the struggle for political power and amid the promptings of personal ambition we can never hope that it will be otherwise. It will ever be found that, with men urged onwards by party combinations and their own private interest, the most aggressive and skilfully organized opposition to a measure of

beneficence is to be experienced. This consequence, however, brings with it its retribution, for it forcibly directs attention to the principle at stake and the merits of the point involved. It is then the contrary sentiments of patriotism and duty are called into activity, and the country becomes awakened to the possible results attendant on the mischievous energy of a faction conducting a remorseless, unscrupulous opposition. It is a constantly recurring experience to be undergone in constitutional governments. The effort is by force of numbers to blight the influence of reason, justice and truth. The only remedy is to give political education to these numbers, so that they may not be misled by dishonest declamation and tricky cunning and special ingenuity, but may learn to discern that pure gold is not identical with the tinsel and spurious metal that they are asked to accept as its substitute. It is now well understood that the success of any dishonest agitator is dependent upon the ignorance or want of reason of the audience that he is striving to influence.

CHAPTER VII.

It was the duty of sir Alured Clarke to inaugurate constitutional government in Canada, to declare by his proclamation the division of the province in accordance with the act of 1791, mentioned generally as the Canada act. The day it went into effect, the 26th of December, 1791, was observed as one of festivity. At Quebec public dinners were given and the city was illuminated at night. The second proclamation of 1792 by Clarke as lieutenant-governor of Lower Canada divided the province into counties. The names of these divisions read strangely in the light of the modern nomenclature. Gaspé, Cornwallis, Devon, Hartford, Dorchester, Buckinghamshire, Richelieu, Bedford, Surry (sic), Kent, Huntingdon, York, Montreal, Effingham, Leinster, Warwick, St. Maurice, Hampshire, Quebec, Northumberland, Orleans, numbering twenty-one. Each county returned two members, with the exception of Gaspé, Bedford and Orleans, which only returned one. Montreal and Quebec returned each four members; Three Rivers, two; William Henry (Sorel), one; making a total of fifty members.

Generally, opposition candidates presented themselves in the several constituencies, the consequence of personal ambition not of political principle, for party lines had not been traced. Judging by the names of those elected, the house contained only sixteen members of British origin: a proportion never increased during the forty-six years of existence of the assembly. The number, indeed, was often less. The house met on the 17th of December, 1792, a season selected, in the words of Clarke in opening the session, as "least inconvenient to your private interests." Mr. J. A. Panet, of Quebec, an advocate of eminence of the Quebec bar, was elected speaker. Chief justice Smith was nominated

by the crown speaker of the legislative council, composed generally of the old council. *

A message from the governor, that followed his speech, led the house to determine the number to constitute a quorum, and to lay down rules and standing orders. A discussion of some warmth arose, whether the quorum should be established by an act of the legislature or by standing orders. The latter was finally selected. It was originally fixed at two-thirds, thirty-four; during the session it was changed to one-half with the speaker, twenty-six. The following session it was reduced to one-third, eighteen, again to be increased. On the opening of the session the lieutenant-governor, by command, communicated to the speaker the style to be followed in the enactment of bills, and enforced also the observance of some general principles. That each enactment should be by a distinct law, no two matters having no proper relationship to each other to be included in the same bill; that no clause be inserted in an act at variance with its title; that no law be suspended, altered or continued by general words, but by title and date; that acts affecting royal rights should be reserved for home consent; that no law should be enacted for less than two years, except in a case of great necessity.

One question much discussed arose, as to the use of the two languages. It was finally determined that a motion could be made in French or English, as the member making the motion found necessary; the motion to be translated by the clerk. The speaker, if master of the two languages, was held to read it in the two languages, otherwise the translation should be read by the clerk. A point arose which of the two languages should be considered the language of the law.

* The following constituted the council: J. G. Chaussegros de Léry, Hugh Finlay, Picotte de Belestre, Thomas Dunn, Paul Roc de St. Ours, Edward Harrison, Francois Baby, John Collins, Joseph de Longueuil, Charles Delanaudière, George Pownal, R. A. de Boucherville, John Fraser. The receiver general, sir Henry Caldwell, was subsequently named, completing the legal number, fifteen.

Whilst it was resolved that the journals should be kept in French and English, the decision was attained that neither language should be held pre-eminent: an amendment of Mr. Richardson being negatived by the vote of twenty-six to thirteen, that "in order to preserve that unity of legal language indispensably necessary in the empire, and touching any alteration in which a subordinate legislature is not competent, the English shall be considered the legal text." Subsequently a resolution was carried that "each member has a right to bring in any bill in his own language, but that after the same shall be translated, the text shall be considered to be that of the law, to which said bill hath reference." Although obscurely worded, the meaning evidently is that the law is to be looked for in the original bill, not in the translation.

During the session, an address was voted to the king by the assembly, setting forth "the sentiments of gratitude and joy on the happy change which has taken place in the forms of government."

Even in this first session steps were taken with regard to the jesuits' estates, an address being voted to the king to "secure and apply the same to the education of the youth in this province." It was Clarke's duty to inform the house that France had declared war against Great Britain: an intimation which was heard with "concern and indignation," with an earnest prayer that the king's arms might be crowned with signal success over his enemies. Assurance was given that the militia laws should be renewed, and amended where necessary to secure and protect the province from insult. The subject was discussed but no changes were made.

A light tax was imposed on wines and spirits, to meet the expenses of legislation. A resolution was at the same time passed, that the house would be ready at all times to take into consideration the allowance to Upper Canada, for the proportion of the tax due for the consumption in that province of the articles taxed. On the 9th of May the legislature was prorogued, the house having sat for five

months less eight days. The judicature bill introduced from the council into the lower house did not pass.

I have mentioned the presence of prince Edward in Quebec.* He had with all classes made himself exceedingly popular. It is still a tradition that he took a prominent part in the organization of a society of musical amateurs, one of the chief members of which was Sewell the attorney-general, an excellent violinist. On the arrival of the prince he had received an address of welcome, but his popularity was such that during the second session of the legislature in 1793, an address was voted, declaratory of the sentiments of respect and admiration felt for him. †

Shortly afterwards in order to be sent on active service he applied for an appointment in the force under sir Charles Grey, then in the West Indies, engaged in operations against the French islands. In January, 1794, he received orders to

* [Ante., p. 340.]

† There can be little doubt but that prince Edward visited Niagara. I can, however, find no allusion to the circumstance in the State papers in the Archive branch or in the Simcoe MS. in the library. Had the visit taken place during the government of Simcoe, the prince would have been the guest of the governor, and it is reasonable to suppose that some record would have been made of it. Simcoe wrote constantly to Portland and Dundas, and the circumstance was one which would not have escaped the attention of so constant a letter-writer.

Prince Edward landed at Quebec on August 11th, 1791, and left Canada in January, 1794. Simcoe reached Canada in 1791, remained in Quebec until 1792, and only reached Niagara in August of that year.

The prince was present in Quebec in July, 1792, at the christening of Louis de Salaberry, and on the 13th of September, in passing through Montreal, received a complimentary address. He was in Quebec in April, 1793, when Draper, of his regiment, was sentenced to be shot. Early in September he opened a Sunday free school, and on the 10th of November with lord Dorchester, who had arrived in October, was at a large fire in that city.*

So far as I can find, the one ground of belief of the prince's visit to Niagara is stated in Holt's life of George III. In a letter written by colonel Hardinge from Castle Hill, the duke of Kent's residence, in describing his carriages, the duke said: "I bought that curricle twenty years ago, have travelled in it all over the world and it is firm on its axle. I never was spilt in it but once. It was in Canada near the Falls of Niagara over a concealed stump in a wood just

* These dates are taken from "The Life of Edward, Duke of Kent," by Dr. Anderson. Ottawa and Toronto, 1870.

join that force, and he immediately left Quebec. When the fact was known, addresses were sent to him from many quarters, to which, owing to the prince's absence, replies were made in his name by lord Dorchester. Prince Edward ascended to Montreal and crossed to Saint Johns, to follow lake Champlain to Burlington, thence passing through Vermont and New Hampshire to Boston. In crossing lake Champlain, the two sleighs carrying his whole baggage broke through the ice, and all was lost. It was the first of the many losses which he experienced in this respect, forming a tissue of misfortunes rarely falling to the lot of any one person. He reached Boston on the 6th of February. The only vessel the commodore could place at his disposal was the "Roebuck," packet boat of six guns. The prince, anxious to reach his command, sailed in this vessel. There was risk of being taken by French cruisers, several of which were in these waters. Indeed the "Roebuck" was chased and fired at by a vessel of war, but being the swiftest sailer got away. Prince Edward arrived at Martinique on the 3rd of March, in time to take part in the operations against port Bourdon. After a siege of eleven days the place capitulated. The prince with a brigade of grenadiers and seamen embarked for Saint Lucia. This island was taken. The reduction of Guadaloupe followed. While he was engaged in this duty, orders were received by the prince from lord Amherst to proceed to Halifax, and there assume the command of the forces. He left the West Indies on the 30th of April, and arrived at Halifax on the 10th of May. *

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cleared." Although the fact of the visit is established, the year remains uncertain. The balance of evidence in my judgment places it in 1792, before Simcoe's arrival, and suggests that he was present in Montreal in September of that year on his return.

It is not an important event in Canadian history; but any incident in the life of the duke of Kent, as the father of her majesty, is worthy of inquiry, and, if related, should be correctly stated.

* Prince Edward remained in command in the maritime provinces until 1798. In August of that year, on returning from a field day his horse fell, rolling over him. The injuries to his thigh and leg were so severe that two medical authorities of Halifax, Dr. Haliburton and Dr. Almon, advised his departure for

It was during the period of prince Edward's command of the 7th fusiliers, at Quebec, that a threatened mutiny was suppressed. Little is known of the circumstances connected with it. Several were tried on the charge of a plot to seize the prince, the general and the officers, and it was said, if the demands made were not granted, the design was to put the officers to death, and the mutineers make their way to the United States. One man was sentenced to be shot, but, at the prince's intercession, his life was spared. Three men were severally sentenced to 500, 700 and 400 lashes, one being a sergeant. The details cannot be traced.

Dorchester landed at Quebec on the 23rd of September, 1793. The general esteem in which he was held led to his being warmly welcomed, the city being illuminated on the night of his arrival. Sir Alured Clarke returned home on Dorchester's return, carrying with him the good will of the province. Clarke deserves special mention in history for his sense and discretion, and ought to be remembered as having successfully established the working of the new constitution.

Within seven weeks of Dorchester's arrival he opened the second parliament on the 11th of November. He drew attention to the necessity of passing laws for the administration of justice and for the defence of the province, also, to the amendments indispensable to make the laws effective for the security of life and property. He informed the house that he would direct the receipts of the revenue since the division of the province, to be submitted. The

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home as soon as possible. The prince likewise consulted Dr. Nooth, of Quebec, who fully concurred in its immediate necessity. Prince Edward left in the "Topaz" frigate on the 23rd of October to arrive at Portsmouth on the 13th of November. He was held in great esteem in Nova Scotia, and his places of residence there are regarded as historical mementos. He was a great *habitué* of the theatre, which became established at an early date in Halifax. The notice given in an advertisement of Tuesday, 10th of March, 1789, of the new grand theatre, can with double force be repeated in modern times. "It is particularly requested that ladies will dress their heads as low as possible, otherwise the persons sitting behind cannot have a view of the stage."

expenditure had been great; it could not, however, all be laid to provincial account, but what did so appertain was greatly in excess of revenue. It was not his intention to apply to the house for aid, but he asked that consideration should be given to the means of making any imposed tax productive. In the meantime, Great Britain would continue her generous assistance and defray the surplus expense. The session lasted to the 31st of May, 1794..

In January, the speaker, M. Jean Antoine Panet, having been appointed judge of the common pleas, a new speaker was elected, the choice being Mr. Chartier de Lotbinière.

During the session Dorchester laid before the house the first financial statement submitted to the legislature. The net revenue from the 26th of December, 1791, to the 24th of December, 1792, was, £4,957 11s. 9d. ($24,126.92.) From 25th of December, 1792, to 5th of January, 1794, the amount was £7,709 15s. 2d. ($37,520.82.) The expenditure of the civil government amounted to about $125,000; the deficiency was met by the imperial government.

The judicature bill was reserved for the royal pleasure. In closing the session, Dorchester expressed the hope that the house would bring to justice the agitators who were disturbing the peace of the province.

Towards the end of November, Dorchester issued a proclamation requiring magistrates, captains of militia and others to exercise vigilance, to discover and secure the persons holding seditious discourses, spreading false news, or publishing libellous papers. Such as these, were foreigners and aliens concealed in the province, working in concert to destroy the peace and disturb order. Dorchester's proclamation made it to be clearly understood, that he was not going to sit with folded arms, while the French agents from the United States were propagating their mischievous doctrines.

Dr. Mountain, the first church of England bishop of Quebec, arrived in the city on the 1st of that month. The family was originally of French Huguenot extraction, having emi-

grated from France on the revocation of the edict of Nantes, when they settled in Norfolk. Jacob Mountain, the bishop at the time, held a living in Norwich, and was examining chaplain to Tomline, bishop of Lincoln. That bishop had been tutor and private secretary to Pitt, and it was he who brought Dr. Mountain to Pitt's notice. Dr. Mountain was also personally known to the minister, having been a fellow of Caius college when he was at Cambridge. The bishop, consecrated on the 7th of July, sailed on the 13th of August for Canada. It is related that on his arrival, meeting bishop Briand, the Roman catholic bishop, at this period an old man and long retired from his episcopal duties, the venerable bishop greeted him with a kiss on one cheek and then on the other, declaring that it was time he had come to keep his people in order.

The Anglican diocese cannot be said to have offered great attractions; there were but six clergymen in Lower Canada, two of whom were at Quebec, two at Montreal, one at Three Rivers, and one at Sorel. Three were performing their functions in Upper Canada. Five of the number were missionaries of the Society for the Propagation of the Gospel. At Quebec there was neither church nor parsonage. From this humble beginning the church of England in Canada has risen to its present influence. The services at this date were held at Quebec in the Recollet church, and afterwards in the jesuit chapel, until the completion of the English cathedral, which was begun in 1800 and finished in 1804.

Chief justice Smith died in Quebec the following December. On the news being known, Osgoode, chief justice of Upper Canada, trusting to the influence he possessed in London, made immediate application to be named his successor.*

In May, 1794, orders were given for the embodiment

* Friday morning (6th) died the honourable Wm. Smith, Esq., chief secretary of the province of Lower Canada. His remains were interred on Sunday (8th), and were attended to the grave by H.R.H. prince Edward, etc., etc. [Quebec *Gazette*, Thursday, 12th December, 1793.]

of 2,000 militia, to the extent of holding themselves in readiness for service. The British portion of the inhabitants came forward with alacrity; but there was a great disinclination on the part of the French Canadians, both in the cities and in the parishes, to answer this appeal. They declined generally to submit to the ballot. The proportion of the British to the French Canadians was 70 to 2,000. The opinion had become general that entry into the militia would entail military service for life; indeed, there was no assertion on the subject too absurd for belief. Dorchester attributed the feeling to the long disuse from military duty and not to any disloyalty of feeling. There were exceptions in a few parishes, where men were willing to serve. But there existed a strong sentiment of dissatisfaction; the feeling being that, although the hand of the government was gentle, the *habitants* were oppressed by the expenses of the law, and that they were not protected against the exactions of the seigniors, as had been the case under the French intendant.*

There had arisen, however, a feeling of unrest and discontent in Canada, which had its origin in the intrigues of Genet and his partisans. His presence in the United States had, a short time after his arrival, been felt in the province, and the activity of his agents was traceable in the turbulence of spirit shewn in the general behaviour of the population.

No one of prominence was identified with the agitators; if any one of position was so engaged, he remained concealed. The leaders were men whose obscurity protected them. They passed among the *habitants*, exciting their passions, encouraging them with hopes of the happiness they would derive under French liberty and equality, and so caused a rooted distrust of the government. The time when this discontent became most apparent was a few months after the meeting of the first legislature, in May, 1794. Monk, the attorney-general, reported that on both sides of the Saint Lawrence, in the district of Quebec, efforts had been "made to poison the minds and alienate the affections of the

* [Can. Arch., Q. 71.1, p. 2. Dorchester to Dundas, 24th May, 1794.]

new subjects," and that generally they were refractory and disobedient to the militia law and the government. Of the 7,000 men fit for service in forty-two parishes, in eight parishes only 900 men had obeyed the law. The grievance of the ballot, as it was set forth, was that by entering the militia men became soldiers subject to military discipline and liable to be sent to the West Indies. Much in the conduct of those who were refractory shewed that this reason was not the true one. In several instances, they declared that they desired to remain neuter with respect to every nation whatever. That they would not ballot or be commanded; that they would not take up arms for the one or the other side, and, if ordered into service, they would not obey. They had threatened their officers, and in the cases in which the *curés* had endeavoured to influence them they had with menaces set their expostulation at defiance.*

The district of Montreal was reported to be in a state of almost universal disaffection. There was a visible effort to defeat the militia law, and at Côte des Neiges a party of *habitants* had become possessed of arms and determined to defend themselves if attacked. It was believed that there was some leading person who was directing these movements; if so, he contrived to escape detection. On all sides, the cry was heard that the French were coming in force to seize the country, and one known person read at the church door an address, *Les Français libres à leurs Frères*, which was likewise widely disseminated as a pamphlet.† Information was received that a Freemason's lodge had been established

* [Can. Arch., Q. 69.1, p. 4, 29th May, 1794.]

† This pamphlet has long disappeared, but some extracts have been preserved in the official reports of the day. [Can. Arch., Q. 69.2, p. 224.] It was first circulated in January, 1794. I deem it proper to make known what remains of this production, so industriously distributed throughout Lower Canada. "Les Français libres à leurs frères les Canadiens." Its purport was to encourage the Canadians. "D'imiter les exemples des peuples de l'Amérique et de la France. Rompez donc avec un gouvernement qui dégénère de jour en jour et qui est devenu le plus cruel ennemi de la liberté des peuples. Partout on retrouve des traces du despotisme, de l'avidité, des cruautés du roi d'Angleterre." Il est

in Montreal in connection with a lodge in Vermont, for the sole object of carrying out a traitorous correspondence with the disaffected.

It was not to be looked for, that the sympathy for France evinced in the United States by the boisterous welcome extended to Genet, together with the hostility to England

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temps de renverser un trône où s'est long temps assise l'hypocrésie & l'imposture. Ne craignez rien de Geo. III., de ses soldats en trop petit nombre pour s'opposer avec succès à votre valeur. Le moment est favorable et l'insurrection est pour vous le plus saint des devoirs.

Rappellez qu'étant nés Français vous serez toujours enviés, persécutés par les rois Anglais, et que ce titre sera plus que jamais, aujourd'hui un motif d'exclusion de tous les emplois.

Aussi quels avantages avez vous retiré de la constitution qui vous a été donnée depuis que vos representants sont assemblés, vous ont-ils fait présent d'une bonne loi? Ont-ils corrigé un abus? Ont-ils eu le pouvoir d'affranchir votre commerce de ses entraves? Non! et pourquoi? Parce que tous les moyens de corruption sont employés secrètement et publiquement dans vos élections pour faire pencher la balance en faveur des Anglais.

On a osé vous imposer un odieux véto, que le roi d'Angleterre ne s'est reservé, que pour empêcher la destruction des abus, et pour paralyser tous vos mouvements : voilà le présent que les vils stipendiés ont osé vous présenter comme un monument de bienfaisance du gouvernement Anglais.

Canadiens, armez-vous, appelez à votre secours vos amis les Indiens. Comptez sur l'appui de vos voisins, et sur celui des Français.

Resumé des avantages que les Canadiens peuvent obtenir en se délivrant de la domination Anglaise.

1o. Le Canada sera un état libre et indépendent.

2o. Il pourra former des alliances avec la France et les États-unis.

3o. Les Canadiens se choisiront un gouvernement ; ils nommeront eux-mêmes les membres du corps législatif, et du pouvoir exécutif.

4o. Le véto sera aboli.

5o. Toutes les personnes qui auront obtenu le droit de citoyen du Canada pourront être nommés à toutes les places.

6o. Les corvées seront abolies.

7o. Le commerce jouira de la liberté la plus étendue.

8o. Il n'y aura plus de compagnie priviligiée pour le commerce des fourures ; le nouveau gouvernement l'encouragera.

9o. Les droits seigneuriaux seront abolis, les lods et ventes, droits de moulins, de péage, réserves de bois, travaux pour le service du seigneur, etc., etc., seront également abolis.

10o. Seront également abolis les titres héréditaires. Il n'existera plus, ni lords, ni seigneurs, ni nobles.

11o. Tous les cultes seront libres. Les Prêtres Catholiques nommés par le

shewn in the legislature, and the countenance given to privateers, manned to injure British commerce, which were encouraged by men in prominent stations, could remain without their influence in Canada. The newspapers of the republican party which sustained the threatening attitude towards Great Britain presented a strong reflex of the animus. Dorchester, early after his return to Canada, was impressed with the change that had taken place. He was made sensible that, owing to advocacy of the French cause, the common impulse in the United States was to bewilder the passions of the people and to misrepresent unceasingly every act of Great Britain as unfair and unjust. Virginia and the south were foremost in this attempt. The indebtedness in the south to England was of immense amount. Jefferson estimated that of Virginia alone as ten millions, and every possible attempt was made to keep the countries in hostility, so that steps should not be taken to enforce payment.

The supposed embarrassment of Great Britain, owing to the war with republican France, led to the belief that she would be unable to resist aggression in America; hence the desire of the party who had accepted these opinions to force on an alliance with France. A great number who were carried away by this spirit could not conceive the serious calamities to which it must lead in their own homes. But there was also a numerous party willing to run all lengths, provided that the views they advocated could prevail. The leaders were the men in opposition to Washington's government, and their hope was to bring it into such discredit that at the next election they would rise into power. On the other hand, with large numbers, and as events proved, the great majority, there was a powerful feeling that the attempt to plunge the

peuple comme dans la primitive église jouiront d'un traitement analogue à leur utilité.

120. Il sera établi des écoles dans les paroisses et dans les villes; il y aura des imprimeries; des institutions pour les hautes sciences, la médecine, les mathématiques; il sera formé des interprètes, qui reconnus de bonne mœurs seront encouragés à civiliser les nations sauvages, et à étendre par ce moyen le commerce avec elles."

country into war to aid France, would bring the greatest disasters on commerce and all enterprise, and that it would entirely destroy the prosperity of the country so rapidly advancing, especially in the matter of the manufactures, many of which had been lately established. Its strength is best shewn by the fact that it prevailed. It is not an exaggeration to say that, speaking generally, this class embraced the intelligence and wealth of the country, comprised within the phrase of those who had anything to lose. There were, moreover, no few imbued with strong republican principles, who honestly believed that the United States were presenting a new era in the government of the world, and that they should abandon all the old forms and traditions, and revert to a primitive simplicity of manner and of life, to change the conditions of human association. This class may be described as being without education in the higher sense, without personal experience, and without that historical reading and knowledge which, with an acute mind, to a great extent supply these deficiencies. Consequently, those so thinking sneered at all ceremony and system as "monarchical," anti-republican, and, for this reason, reprehensible. They conceived their natural ally was the sister republic so gloriously established in France, and that any failure of recognition of her claims would be a national crime.

From the conviction that Canada was drifting into war, forced upon her by the hostility of the party in the United States which, owing to its noise and tumult, could be regarded as dominant, and as possessing strength to enforce the policy it proclaimed, Dorchester felt that hostilities must inevitably result. During this uncertainty, in February, 1794, a deputation of the Miamis waited upon him to ask his aid in establishing for them the territory they claimed. Dorchester replied in a speech which, for its plain speaking, caused much excitement. He spoke to the Indians of meeting them before his departure from Quebec, when he engaged to represent to the king the complaint of their grievances suffered from the United States. He had flattered himself, that when the peace

was signed the line of the demarcation of their territory would have been drawn in an amicable manner. He had been disappointed. Since his return, the people of the United States had so acted that he would not be surprised if Canada were at war with them during the present year. In that case, the line must be drawn by the warriors. The tribes could bear witness that in Canada they had acted in the most peaceable manner, but their patience was almost exhausted.*

The speech became known, an official copy having been taken by the commanding officer at Montreal, and, coming into the hands of those having relations with the United States, was transmitted to parties there. It was shortly afterwards published in the United States papers. Attention being thus directed to the matter, Randolph, then secretary of state, having succeeded Jefferson, and, like Jefferson, constantly thwarting the policy of Washington, addressed

* From the importance at the time attached to this address I append the following extracts. [It can be referred to in Can. Arch., Q. 67, p. 109.]

"You remind me on your part of what passed at the Council Fire held at Quebec just before my last departure for England, when I promised to represent their [the Indian deputies] Situation and wishes to the King, their Father, and expressed my hope that all the grievances they complained of on the part of the United States would soon be done away by a just and lasting peace.

I remember all very well. I remember that they pointed out to me the Line of Separation which they wished for between them and the States and with which they would be satisfied to make peace. . . . . I have waited long and listened with great attention, but I have not heard one word from them (the States).

Since my return I find no appearance of a line remaining, and from the manner in which the People of the States push on and act and talk on this side, and from what I learn of their conduct towards the Sea, I shall not be surprised if we were at war with them in the course of the present year, and if so a Line must then be drawn by the Warriors.

You ask for a passport to go to New York ; a Passport is useless in Peace ; it appears, therefore, that you expect we shall be at war with the states before you return. You shall have a Passport that whether Peace or War, you may be well received by the King's warriors.

What further can I say to you? You are Witness that on our parts we have acted in the most peaceable manner and borne the language and conduct of the People of the United States with Patience, but I believe our Patience is almost exhausted."

a letter to Hammond, in which he characterised Carleton's words as "hostility itself." Hammond, as in duty bound, forwarded the despatch to England.

On the receipt of this letter, Dundas addressed Dorchester in a tone which it is not possible to consider in any light but that of official censure. He pointed out that Dorchester could not fail to have been impressed by the wish of the ministry for the preservation of peace, and the desirability of the avoidance of anything like hostility in the disputes concerning the treaty line. He took exception to the message to the Indians and the re-establishment of the fort of the Miamis, as not within the limit of the post of Detroit, as more likely to provoke hostilities than to prevent them, adding that "all that was called for was the *immediate* (sic) protection of the posts." *

Dundas' letter was one of the many examples in Canadian history of despatches written by British ministers from the standing point of imperial politics and with but secondary thought of Canada. When Dundas wrote, on the 5th of July, Jay had been nearly a month in England, having arrived on the 8th of May. His meeting with lord Grenville had been friendly and satisfactory. Dorchester's address, undoubtedly, had become known in the United States by its publication in the press, but it was only a reflex of the utterances by United States public men and of the manifold attacks on Great Britain in the republican press. More importance was attached to it from Dorchester's character and *status*. It was also known that he had only returned from England the preceding September, and it was inferred he spoke by authority. Accordingly, it had been accepted as a proof of the hostile intentions of Great Britain, and thus suggested the probability of hostilities. Dundas,

* "I should not deal fairly and candidly by your lordship if I were not to express my apprehensions that your answer to the message from the Indians of the upper country, and your proposing to Colonel Simcoe to occupy nearly the same posts in Miamis River, which was demolished after the Peace, may not rather provoke hostilities than prevent them." Dundas to Dorchester, 5th of July. [Can. Arch., Q. 67, p. 175.]

however, not only knew the desire for peace on the part of the British cabinet, but Dorchester's own letters had also forcibly shewn his own personal feeling that peace was the true policy to be followed with regard to Canada. Dundas was also well informed of the bitterness of spirit that had been awakened by Genet, for he dwells on "the present situation, temper and disposition of the American states and the existence of a considerable and certainly a most violent party . . . whose whole object appears to be to drive all subsisting matters of dispute between the two countries beyond the bounds of accommodation." He gave no consideration to the difficulties of Dorchester's position, and to the exercise of his judgment, whether it was possible, or not, to remain quiescent. He knew, moreover, from the presence of Jay in England, that not only no bad result had proceeded from the speech, but, on the contrary, that with the United States government there was a desire to accommodate all matters in dispute by a treaty of peace and commerce.

Dorchester, in his reply, acknowledged the general correctness of the copy of the address sent to him. He knew the friendly feelings of the government towards the United States, and he was not wanting in them himself, but, on his return, he had seen the spirit animating the people, "all things moving by a French impulse towards hostilities." He considered Lower Canada in danger of being overwhelmed. Both parties in the United States were desirous of profiting by the supposed embarrassment of Great Britain, having the opinion that she dared not resist any act of aggression. It had been impossible for him to give the Indian deputies any hopes of peace through British mediation agreeably to their request of 1791.* He had not changed his opinions. He concluded by asking leave to resign his command, so that he might return home at the first opportunity. The request was answered by the duke of Portland, who wrote that he was aware of

* [Can. Arch., Q., 4th of September, 1794, Q. 69.1, p. 176.]

Dorchester's difficulties, and that he considered the reply to the Indians to be satisfactory. He did not regard Dundas' advice to exercise forbearance as a reason that he should retire from his command, and he pointed out that the step would be prejudicial to the king's service.*

The matter for the time being was so arranged, but it greatly influenced Dorchester; and he appears to have felt that in the future he could look but for little support from Dundas.

Dundas in his letter to Dorchester had alluded to a fort built in the Miami country. The facts of the case are that, owing to the threatening state of affairs shortly after his arrival, Dorchester gave instructions for the reconstruction of a fort on the Maumee, at the foot of the rapids, some fifteen miles distant from lake Erie, into which that river discharges, and forty miles from the tributary, the Glaize. Simcoe gave the matter his personal superintendence, and in April, with a strong detachment from the garrison of Detroit, rapidly constructed the fort. From its strength it was capable of defence against an ordinary force without heavy artillery. The work was rapidly carried out, and its construction caused much outcry in the United States, and was described as an invasion of territory. The view taken by both Carleton and Simcoe was that, although the Maumee was not included within the boundaries of Canada, the country extending to the Ohio and west to the Mississippi had remained the domain of the Indians, to be independently held by them, and until transferred to the United States by treaty could not be regarded as a portion of their territory. The fort was first occupied in 1781, when it had been built by captain Potts, of the 8th, and the British flag had been kept flying since that period. In 1786 it had been occupied by a party of the 53rd. Indeed, since the peace of 1763 small detachments from Detroit had been stationed in the towns of the Miamis. In 1790, on the occasion of General Harman's invasion, the Indians had established themselves at the mouth

* [Can. Arch., Q. 69.1, p. 197, 25th of December, 1794.]

of the Glaize, the tributary of the Maumee, at which time the lower fort was abandoned as a trading post. The belief having arisen that the posts would be assailed, and that among the first attacked would be Detroit, it was considered expedient to re-occupy the station. The old fort being ruinous, the new structure was placed in a new location, not far from it. While the main reason assigned was the protection of trade, the fort was in reality looked upon as an outpost for the defence of Detroit, of which it was a dependency.

In February, 1794, Dorchester complained to Hammond of the aggressive action taken with regard to the posts on lake Champlain. Two years previously, in 1792, sir Alured Clarke had drawn the attention of the United States government to the tumultuous interference with the small garrisons on the part of the inhabitants of Vermont, and Jefferson, as secretary of state, had disavowed on the part of the central government all responsibility for the aggression. From the time that Great Britain was engaged in a war with France, this spirit of moderation was changed and the population of Vermont had on all occasions shewn extreme malevolence. A small party sent in search of a deserter near Dutchman's point had been seized and taken to Burlington gaol, and fined £13 6s. At point au Fer, a court of Vermont had been held surrounded by armed men. Dorchester was of opinion that these measures should be met in time, and steps taken for the security of Canada. He deemed it proper that his sentiments should be known, for, if these differences were not settled, war was inevitable. To avoid so great a misfortune no approach should be permitted to the forts. He asked Hammond to communicate this condition of things to the king's ministers, as he might not be able to do so at that season.

In April, one of those incidents happened which caused results of a totally different character from those anticipated from it. A scene of riot, followed by weakness and indecision on the part of the authorities, which apparently promised immunity to disturbers of the peace, awoke so powerful a feel-

ing throughout the community that counter demonstrations were held to be necessary if anarchy was to be avoided. The direct consequence was the formation of associations to sustain the government, and to inflict punishment on all who failed to observe the law. One L'Eveillé, a canoe man, being under written articles to a firm to serve in the upper country, entered under a feigned name into a second engagement and received a guinea on account. Brought before the magistrates for the fraud, he was sentenced to stand in the pillory for an hour. On the morning when the punishment was to take effect, a number of canoe men assembled, and by their riotous conduct plainly shewed that it was their intention to prevent the sentence being carried out. The sheriff felt it necessary to apply to the commanding officer to protect the civil power, but, before a guard could arrive the mob destroyed the woodwork of the pillory, and threw the wreck into the river, down which it was carried by the current. There was to have been a proposition to rescue the prisoner; but, a guard being present at the prison, the attempt was not made. In place of thus acting, the mob riotously proceeded to the house of Frobisher, one of the magistrates, who was weak enough to promise to obtain the man's pardon, and upon this assurance the crowd dispersed.

Shortly afterwards, Mr. McGill, the founder of the university at Montreal, arrived from Quebec with the information that the governor declined to interfere, considering that it was a matter to be disposed of by the justices and sheriff.

It was then considered that as the day named for the punishment of L'Eveille had passed it could not be inflicted, and he could no longer be kept in custody. The justices of the peace, however, declined to interfere; accordingly, the sheriff on his own responsibility discharged him. Subsequently, four men were apprehended for having taken part in the riot. Although the evidence as to the participation in the tumult was sufficiently plain, they were liberated on bail and held to answer to the charge. There the matter remained.

This circumstance, in connection with the unsatisfactory condition of feeling known to prevail with many of the French Canadian population, appealed strongly to all who were opposed to these opinions. It became the general view that the time had arrived when those who were not affected by these revolutionary doctrines and who desired the continuance of the government in the form it existed should make a declaration of their principles and take measures in support of the executive.

This counter movement took the form of constitutional associations in Quebec and Montreal, formed by the leading men, French Canadians and British, as the signatures to this declaration testify.* The design is attributed to Monk, and he received full acknowledgment for this service rendered by him. The objects to be attained are set forth as the suppression of tumult, and the maintenance of the law and public tranquillity. The declaration proceeded to say that concern was felt owing to the dissemination of the seeds of discontent by falsehood and secret disloyalty, and the practice of acts by foreign emissaries in order to seduce easy and credulous minds. In this emergency, it was the duty of all good citizens to step forth and check such baneful designs. Those who signed the declaration expressed their attachment to the constitution, and their determination to give the executive government a vigorous and effective support in bringing such men to exemplary punishment. The effect of this public spirited conduct was very soon apparent; the agitation ceased, and we hear no more of this troubled condition pervading the province until the feeling was to some extent rekindled by the intrigues of Adet, which ended in the execution of McLane.

The third session of the legislature continued from the 5th of January to the 7th of May, 1795; Jay's treaty had then been passed, but had not been ratified. Dorchester, however, alluded to the attention shewn in the last session in

*[Can. Arch., Q. 69.2, p. 326, 30th of June, 1794.]

providing against hostile attempts as a guarantee of the laudable vigilance indispensable, so long as the country might be threatened by war and by attempts to delude the multitude. He informed them that the judges and law officers of the crown had been instructed to report on the proceedings of the courts of justice and the tables of fees. The public accounts were also sent down. The expenses of civil government for the year were £24,711, ($98,844) including £1,205 2s. 10d., ($4,820.55) due to Upper Canada. The net revenue was £10,425 18s., ($41,703.60.)

The commissioners appointed by Upper and Lower Canada to determine the amount of the duties levied and payable to the upper province entered into an agreement, to be valid until the last day of December, 1796, that one-eighth of the net produce of the taxes collected should be paid to Upper Canada as the proportion due. Upper Canada further agreed that no duty should be laid upon articles entering that province, by these means rendering the establishment of custom houses unnecessary: an avoidance of expense which it is not impossible would have exceeded the receipts.

The speaker, Chartier de Lotbinière, of an old French Canadian family, in presenting the bills for revenue dwelt upon the fact that they had been passed with unanimity. The articles selected from which revenue was derived were acknowledged luxuries, with the exception of salt, on which the impost was trifling, and would be generally contributed and but slightly felt. Mr. de Lotbinière's words on this occasion can be profitably reproduced.

"In a pecuniary point of view, my lord, this supply can be an object of small amount to his majesty; but when the slender abilities of our constituents are considered, and that it is presented as a tribute of gratitude for the happiness which we enjoy under the fostering care and protection of the parent state, and the benign influence of that constitution which has been accorded to us upon a model of perfect practical excellence; it thence assumes an importance that we doubt not our most gracious sovereign and the magnanimous and

generous nation which he governs will measure only by our intentions."

The alien act was passed on the 31st of May, 1794. It consisted of thirty-four clauses, and was to continue in force until the end of the session of 1795. Its spirit can be seen by the preamble and the early clauses. It was to prevent the danger which under existent circumstances might happen to public tranquillity from the presence in the province of persons who were not British subjects, neither natural born, nor naturalized. Each master was to give the name of every foreigner on board his vessel, while every alien on his arrival by ship, or entering inland, was bound to declare his identity. Neglect of this regulation was liable to the punishment of transportation for life. Persons holding seditious discourses, uttering treasonable words, publishing false news, publishing or distributing libellous or seditious papers, could be imprisoned and detained until bailed out by a judge.

Nor was the alien act a dead letter. The duc de Rochefoucault-Linancour paid a visit to Canada in June, 1795. He was received by the captain of a frigate on lake Erie ceremoniously, and proceeded to Niagara to meet Simcoe. The duke was then shewn Dorchester's order not to permit a foreigner to enter Canada. Application was made on his behalf to descend the Saint Lawrence, but leave was not granted. Dorchester, judging that if war broke out it would be attributable to the strong sympathy felt with France, conceived that the duke was acting in the interest of the United States. He, therefore, refused the permission asked. The duke remained some time the guest of Simcoe while waiting for the answer to his application. He recorded the impressions made upon him during his stay in Niagara. I have alluded to the character he has given of Mrs. Simcoe.* He describes the scarcity of specie, how business was carried on by paper notes, some as low as twopence. It is not difficult to understand that de Rochefoucault did not carry

* [Ante., p. 339.]

away with him any favourable feeling towards the governor-in-chief.

In order to test the condition of public feeling, Dorchester, in May, had directed that the militia should be called out. There was so much unwillingness to serve that it was plain in the event of war the militia as a whole could not be counted upon, even for defence. There were some localities in which many of the residents were willing to serve, but against such as these violent menaces had been directed by Genet's emissaries. At Charlesbourg, some five miles from the city of Quebec, those active in this disloyalty were restrained by no influence. Blood relationship was even ignored by the partisans of France. They threatened to burn the houses of all who desired to perform their duty to the government, to disembowel them, and to carry their head on a pole, in the approved fashion of Paris.* They defied the clergy, stating that they had occasion neither for them nor for confession. Several of the ringleaders were apprehended. From this source it was discovered that there had been frequent conferences with Genet and with the French consuls. Genet's audacity and self-assertion were of a character to impress the minds of the uneducated men he had met, to whom he had been profuse in his assertions of French power and of the certainty of the immediate arrival of an armed force in Canada. Several Canadians had left the province after the events of 1775–1776, and had remained in the states; in the interval they had been joined by many of their countrymen. It was members of this class who returned to wander through the parishes to sow revolt and sedition. Several of these emissaries were also natives of France. Their continual cry was the liberty enjoyed by the French people, and that the Canadians by following their example would be freed from the burdens by which they were oppressed. They would be expressly relieved from the charges, responsibilities and observances appertaining to the seigniorial tenure. Every effort was made to excite the

* [Les étriller, porter les têtes au bout des Bâtons.]

French Canadians against the British population by the representation that the old subjects were inimical to their language, and, when the argument would prevail, to their religion. In this stage of disquiet there were but 2,300 troops of all arms in Canada, at the time when it had been earnestly impressed on the home government that, if the province were to be defended, at least 5,000 were necessary. While the passage of the alien act and the vigorous policy of the government on one side called forth expressions of loyalty, they equally acted as a repression to open sedition. Moreover, the very sanguine began to feel that little reliance could be placed upon the promises so liberally made by the agitators, that French and United States troops would immediately appear.

The announcement had been made throughout the parishes that the French troops would enter Canada between the pentecost and the *fête dieu*, the 8th and the 19th of June. As the time passed and no army appeared, assurances were made that the movement was delayed until the answer should be received of Jay's mission to England.

This explanation failed to obtain confidence, and despondency took the place of boisterous self-assertion; especially as the Roman catholic bishop and the clergy, with very few exceptions, had cordially given their support to the movement begun by the constitutional association, and had shewn themselves zealous in the re-establishment of order and the observance of law. Of all men, they had the least to hope for the propagation of the doctrines introduced during the reign of terror.

The hand of the government being thus strengthened, the leaders of the small insurrection at Charlesbourg were arrested. There was some talk of resistance, but the recusants submitted, and the balloting for the militia followed. The population of Beauport had likewise shewn disaffection, but those who had been refractory ceased to be so, and they made their submission, as at Charlesbourg, by companies of militia.

At Montreal, some important arrests were made; one, Duclos, an active agent of the United States who had served in the congress forces in 1775. He had moved among the population, confidently foretelling the invasion by French troops, and threatening that all who had not sustained the United States would see their property pillaged. A tailor named Costello was imprisoned; he was proved to have been one of the distributers of the French incendiary pamphlets. Dorchester reported to Dundas that the sedition had generally subsided without military interference, to which he had determined, on no account, to have appealed. Should an invasion take place, matters would possibly revert to their old condition, and even become worse, if dependence were placed on the militia of the province and the small regular force to sustain it.

Osgoode, who, as has been said, had applied to be appointed chief justice on Smith's death, was nominated without any claim to fees or perquisites. He arrived at Quebec from Upper Canada on the 27th of July, 1794. He was, however, not sworn in as member of the executive council until the 14th of September. Russell was appointed, in his place, president of the council of Upper Canada.

In February, 1795, Dorchester wrote to Portland, earnestly drawing his attention to the disorganization which had arisen in the province. He pointed out that ministers in England were not long enough in office to see through the intricacies of colonial politics. Moreover, the attention of a minister was taken up by important matters at home, and, hence, he sometimes failed to examine the projects submitted to him from the colonies, divested of the illusion of fancy and the varnish of private interest. It was necessary that the government should be administered from a centre, but the present policy was to divide and subdivide. Instead of competent authority being given to the person charged with the king's commission, communications were made and directions sent to inferior officers which virtually superseded him. Every one became impatient of restraint. It was

therefore necessary that the command be speedily assumed by his successor, with authority to restore order and maintain the interests of the crown and empire.*

Portland replied by two letters, in May and July, and endeavoured to remove the impression that it was the policy to diminish the power of the person in whom the government-in-chief had been placed or to withdraw any of its attributes.† He was sorry that doubt should have arisen with regard to the military command. He had no doubt that the governor-in-chief would listen to representations from the lieutenant-governor of Upper Canada, but all matters were under his authority and direction. He thoroughly agreed as to the necessity for the consolidation of the government of the provinces. Where it had been found necessary to correspond directly with the lieutenant-governor, it was understood that the letters should be communicated to the governor. He was sorry for the unpleasant disagreement between Dorchester and Simcoe. His own letters, however, had shewn that the matters which affected the commissariat and the Indian department were under the control of the governor; but when the administration of these departments had relation to the civil government in Upper Canada, it was to be hoped that Dorchester would give attention to the representations of the executive authority of that province. I will speak of the misunderstanding that had arisen between Dorchester and Simcoe as to the policy to be carried out in the government of Upper Canada when I narrate the events of Simcoe's government.

There is an extraordinary letter of Dorchester in answer to the duke of Portland, written after the conclusion of Jay's treaty.‡ He recognised the propriety of ministers pointing out every departure from the intentions of the government; and he expressed his acknowledgments for the friendly manner in which his own proceedings had been taken in

* [Can. Arch., Q. 71.2, p. 313, 21st of February, 1795.]

† [Can. Arch., 71.2, pp. 364, 430, 27th of May, 6th of July, 1795.]

‡ [Can. Arch., Q. 71.2, p. 459, 25th of April, 1795.]

question. While expressing his full conviction of the expediency of peace with the United States, he remarked that in the progress of political events cases of importance will arise which require to be decided without delay, though of a nature so delicate that persons of sound judgment and much experience, agreeing as to the end, may yet differ in opinion as to what is best to be done or most likely to produce a desired effect. It was under such circumstances that he had given his reply to the Miamis at the meeting in February, 1794.

He considered at that time that Detroit was threatened, especially by the large force of Wayne in the field, when the claim was preferred by the United States to the Indian territory south of the Canadian boundary. At lake Champlain the matter was not important, except from the insult and the mischief that might arise; but in the west there was great danger to be apprehended to both the Canadas. To have allowed these dangerous pretensions to prevail without protest would have permitted ourselves to be straitened, and would have ended in giving over the forts without defence, with the troops stationed there and the whole of the valuable stores they contained. His answer to the Indians was one that the conduct of the United States had called forth. They had failed to execute many of the conditions of the treaty, hence they were not justified in enforcing its other provisions, and they ought to have kept within the limit of the territory they had occupied previous to 1783. Their own proceedings shewed that Canada had acted within the rule that had been laid down for themselves. The plan of the States was to urge their claims to the utmost extent, short of hostilities; and his fear was that, trusting to a meek acquiescence under every act of aggression, the United States might have been hurried too far. In his view it had been necessary to quicken their apprehensions of their own danger. It was the custom in the United States to impress the multitude with sentiments in accordance with the schemes of the rulers. On the late occasion they had well nigh pushed their

refinements too far. They might have endangered or completely overturned the federal system; if this result had came to pass, the continent would have been a scene of great confusion.

He had offered this explanation, not as an objection to the ministry censuring his conduct, so far as the national interest would require. There the line should be drawn. He had, however, resolved to resign. The political condition of the country in 1786 and the causes of sending him to Canada were no longer the same. Even if the command had not been so broken and inverted, prudence required that he should temporise until the arrival of his successor, and contract his interference within as narrow a limit as possible. Independently of these reasons, his advanced time of life, after fifty-three years' service, denied him the activity necessary for a distant command. He claimed to be indulged with the privilege of an invalid, henceforth to be reserved for home service, if that should ever be found requisite.

To this letter Portland replied that Prescott was to be appointed lieutenant-governor of Lower Canada.* It was doubtful if he would leave that autumn, but undoubtedly he would sail in the spring. He expressed his great regret at Dorchester's determination to retire.

Writers have stated that Dorchester was not aware that he had been recalled until Prescott arrived to replace him. There is no ground for such belief. Indeed, in default of precise knowledge on the subject, a little reflection would have suggested that such a proceeding was not possible with a man of his distinguished services and of his high character: one, moreover, who was able from his position in the house of lords to have vindicated himself from any such slight. So gross an act of discourtesy and wrong would not have been possible, even under the sense of some flagrant act of misconduct by an exalted official. In such circumstances,

* [Can. Arch., Q. 72-73.1.2, p. 420, 3rd of September, 1795.]

the ministerial displeasure would be communicated in a form more or less condemnatory, but certainly not with insult. In Dorchester's case his retirement from the government of Canada was not only his own act; but it was persevered in, after the most flattering and pressing request that he should continue in the position.

CHAPTER VIII.

Dorchester's arrival was by no means welcomed by Simcoe, for the governor-in-chief, acting on the power he possessed, dictated the policy that he held essential to the security of Upper Canada. Setting aside the dissatisfaction felt by Simcoe, that the views he had formed during the preceding eighteen months and on which he had so fully written to London should be set aside, there was much in the tone of his mind which made subjection to the authority of Dorchester a matter of positive pain. Who of us has not met men with ability, amiability of character and honesty of purpose, incapable of submitting to contradiction, with whom a trifling divergence of opinion causes much unnecessary anger? The least independence of thought at variance with their own preconceived theories not infrequently leads to an outburst of temper and creates a false estimate of their capacity, which, if moderate self control were exercised, could not fail to exact respect. These outbursts of temper are the more vehement if opposition be experienced on a subject which they have led themselves to believe they understand better than anybody else. It is not possible to examine the records of Simcoe's career without forming the conviction that this spirit of self-assertion was strong in his character and was the ultimate cause of his resignation of the governorship. All must recognise his ability, his patriotism, his continuous industry, his readiness to sacrifice himself, the sense of duty ever before his mind, and his deep conscientious unselfishness. At the same time, the impression cannot be avoided that the exercise of these qualities greatly depended on his being unopposed and uncontradicted.

Within a fortnight after Dorchester's arrival he wrote to Simcoe; and the date of this letter must be borne in mind. It

was a few months after the declaration of the war by France, in the very heat of Genet's intrigues to drive the United States to embark in the contest on the side of France. It was the period when Washington and the really able men about him were exerting themselves in the maintenance of peace, when Jefferson was fomenting opposition to their efforts, and throwing the weight of his influence and of those acting with him to excite public feeling against Great Britain. In the west there was the difficulty experienced in the Indian territory and the dissatisfaction that the posts were retained. On all sides there were painful indications that war was inevitable. Dorchester's duties embraced the defence not only of the whole of Canada but that of the maritime provinces. Prominent in this duty was to safeguard the Saint Lawrence and assure Quebec against danger.

On the other hand, Simcoe's view was confined to Upper Canada, and he had considered it as if he could not only command the resources of the two provinces but would receive strong reinforcements from home for its special defence. He desired to fortify Toronto, to found a new capital on the Thames in the centre of the Niagara peninsula, to occupy a station on lake Erie near Long-point and to make it defensible; to create also a post at Matchedash bay, where subsequently Penetanguishene was established. There can be no question that these suggestions evince forethought and judgment, but in the condition of the weak resources of Canada at that date they could not be carried out. Simcoe himself looked upon war as unavoidable, and he had given great consideration to the defence of the province. He had written on the subject to sir Alured Clarke, for he was commander of the forces, and no project could be carried out without his approval. Thus, when Dorchester arrived in the province, he had not simply to consider what he himself held to be advisable for the defence of the immediate interests entrusted to him, but had also to take into account the manifold propositions of Simcoe.

* [Can. Arch., Q. 66, p. 233, 7th of October, 1793.]

Dorchester's letter contained no remark to cause dissatisfaction on Simcoe's part. He wrote, it is true, as a superior officer addresses an official inferior, and asked information on points connected with the agriculture, and population of the country north of Toronto to lake Simcoe, accessible by the roads lately opened by Simcoe himself. He spoke also of Toronto, of the mode of laying it out, and added, "I cannot approve of any fortifications being erected there at present." After alluding to the answers given by major general Clarke, which he considered "discreet and prudent," he proceeded to say, and I deem it proper to add the *ipsissima verba*, owing to the resentment they created in Simcoe's mind, in order that the reader may judge with what justice; "I must request you will be pleased to consider the extensive Frontier of Upper Canada, the number of posts there are under very peculiar circumstances, together with the inadequate force for their Defence, and you will, I hope, perceive that any augmenting the number of posts must increase the demand for troops, yet, notwithstanding this want of troops, should Hostilities commence, the War cannot be confined to Upper Canada, and the greatest part of the Forces may eventually be drawn from thence, whatever may be the inconvenience to that province." Simcoe had recommended, that after securing the communications the troops should be kept free to act as occasion required. He was told that without doubt he would pay great attention to the militia, so as to employ their whole strength to the best advantage, "for it may so happen that in their own strength alone they must depend for their defence."*

Simcoe replied to Dorchester, justifying his own views,

* The return of the militia of Upper Canada in June, 1794, is as follows [Can. Arch., Q. 280.2, p. 393.]:—

Eastern District		1,730
Midland	"	1,074
Home	"	828
Western	"	1,084
Total		4,716

but in no way admitting the argument urged for Dorchester's opinions, that there were not troops in the province to be applied to the policy Simcoe recommended.* He gave some information of interest, that emigration to Upper Canada had been delayed by the sickness at Philadelphia, many hesitating to pass through that city. Settlement had gone on but slowly in the neighbourhood of lake Simcoe, owing to the distance to be travelled. The soil was fit for settlement, the rivers and bays abounded with salmon. What was of importance, he had obtained a route from lake Ontario to lake Huron preferable to passing by Niagara and lake Erie; moreover, it would be possible to send troops from Eastern Canada by the Ottawa to Matchedash bay, and so arrive at Toronto. He objected to the removal of the troops, adding the opinion that it did not appear to him, if that course were taken, Upper Canada "could exist as a member of the British empire." He regarded a fortified post on the Thames as of more importance than garrisoning Detroit; and he considered that, except one company, the regiment quartered there should be removed to Chatham and London. He recommended the reduction of the garrison at Niagara, and that the troops should be sent to Long-point and York (Toronto), and he was sorry that Dorchester did not approve of his proposal to fortify that place.

Simcoe lost no time in addressing himself to Dundas, appealing against the decision of Dorchester, with the remark that the views of the governor-general were entirely opposed to his own, both in a civil and military point of view; entirely setting aside his subordination to the general commanding-in-chief. He protested against the possible withdrawal of the troops, as a breach of faith to the loyalists, as conduct immoral in encouraging settlers to a country and then abandoning them. Nothing but the principle of doing his utmost for the king's service would lead him to remain in a position where he considered himself liable to become the instrument

* [Can. Arch., Q. 280.1, p. 39, 2nd of December, 1793.]

of a flagitious breach of national honour and public faith, without any military necessity for the enforcement of the policy. He had not communicated the letter of Dorchester to the militia, for it appeared to him that, with the determination taken for the removal of the troops, it was not possible for Upper Canada to exist as a member of the British empire. In this view Simcoe persevered to the last. There can be no question of his zeal in the performance of his duty or of his activity in carrying out the projects he had formed. Daily, the denizen of Toronto is reminded of the fact by roads opened by him from Toronto to lake Simcoe, to which he gave the name it still bears, Yonge street, after sir George Yonge, then secretary of war; and Dundas street, beginning at Hamilton and carried to the Thames, named after Dundas, secretary to the colonies, with whom he entered into a voluminous correspondence. This road was subsequently extended to Toronto, and still retains the name he gave it. But, with all his zeal for the public service and his energetic and practical ability, his mind tenaciously clung to his preconceived theories. He was unable to recognise his subordinate position. His letters suggest that he looked upon Dorchester's interference with regard to Upper Canada as an excess of the duties of governor-general; as if he considered that his efforts should have been limited to Lower Canada, without control being exercised over the lieutenant-governor of the upper province. Simcoe appears never to have recognised that the defence of Canada must be considered as a whole, and that Dorchester was responsible for the measures taken to secure it. In February, 1794, Simcoe addressed a special memoir to Dundas, setting forth his views on the military disposition of the troops required for Upper Canada. This document extends over twenty-three MS. sheets. He explained that, as he had written as a matter of duty, he did not desire the paper should be made public, but if its publication were held expedient, he would not object.*

In 1793, a military execution took place at Niagara,

* [Can. Arch., Q. 280.1, pp. 54-73.]

enforced by a laxity of military feeling which had crept into the ranks and led to frequent desertions.* The sentence of the court martial, to use the words of the general order, was carried out "from the absolute necessity of a public example." A private of the 5th regiment, Charles Grisler, was tried for desertion, when on sentry over some *bateaux*, on the 7th of July. He was taken, tried, and condemned to be shot. The sentence was carried out at Niagara on the 29th of October.

It was also in this year that the name of Toronto was officially altered to York. Through the influence of Simcoe the new term had previously, to some extent, come into use. On the 27th of August its confirmation was publicly made. As stated in the general order of the preceding day, "in consequence of the reported victories of the duke of York in Holland," a royal salute was fired, answered by the few shipping in the harbour, and the rising capital of Upper Canada was hereafter to be known as York.† Although this change had the weight of official authority and York became the post-office designation of the capital, it was but indifferently accepted. It remained in use only for thirty years. On the incorporation of the city in 1834, the act was obtained for the ancient name, and that now in use, Toronto.

In March, 1794, Dundas, before he had received the views of Dorchester with regard to western Canada, had written to Simcoe agreeing with his representation that London was well selected as the site for the future capital, and York (Toronto) had been judiciously chosen "as the chief place, for the strength of its position and the security it could offer to the naval force of the province." He also approved of the establishment of a post at Long-point on lake Erie.‡

In May also he wrote to Dorchester that he hoped York and some part of lake Erie would be occupied.

The correspondence with Dorchester was continued by Simcoe throughout 1794. In one of his communications

* [Simcoe papers II., p. 393.]

† [Simcoe papers II., p. 391.]

‡ [Can. Arch., Q. 280.1, p. 16, 16th of March.]

Simcoe asked how far the military arrangements affecting Canada might be considered to be provincial in their character.* Dorchester replied that so far as the military force was concerned, operations connected with it were to be carried on in accordance with the practice followed, with the approval of the officer in chief command and under his special orders.

In June, 1794, Wayne entered upon his campaign, which was to end in the total defeat of the Indians. He advanced with his main force to the scene of Saint Clair's defeat, where fort Recovery had been built. Here he was attacked by the Indians. The fight lasted two days, and his assailants were driven off, but not before they had possessed themselves of 300 pack mules, and they had attacked a provision train, to inflict a loss of fifty men upon its guard. Wayne's force was originally in excess of 2,000 men, but he had been reinforced with 1,500 volunteers from Kentucky. Thus strengthened, he moved forward with all possible haste to the Indian villages at the junction of the Glaize and the Maumee. The Indians were taken by surprise, and offered no resistance. The villages and crops were destroyed, and Wayne established a stockade fort on the ground. The Indians hastily retreated down the Maumee, and established themselves in the neighborhood of the fort held by the British. When at this spot, they received a message from Wayne, with the proposal that they should cease further resistance and enter into a treaty. They asked for ten days to consider the proposition. Wayne consequently continued his march for two days, when his scouts reported the Indians to be established in a wooded elevation, their left protected by the bank of the river.

Wayne advanced with his troops disposed in order, that he might carry out the design of attacking the Indians in their position. McKee described them as numbering no more than 1,300. He estimated Wayne's force at 4,000, plainly in excess of their number. As the foremost detachment came

* [3rd March.]

upon the encampment, the Indians attacked it. The advance force fell back to the main body of the United States troops about a mile in its rear. The left of the United States force took ground to assail the Wyandots and Ottawas, with the design of outflanking and enfilading them. As this movement succeeded, the Indians made little resistance and fled. The whole force, in a brief time, accepted their defeat, and broke, only to make a halt at six miles distant. No attempt was made at pursuit. The loss of the Indians did not exceed nineteen, of whom ten were chiefs, eight being of the Wyandots and two of the Ottawas. The United States authorities give the loss of the United States troops at 107, killed and wounded. Simcoe represented the casualties, as officially reported, to have been 114 killed and 130 wounded. They had been subjected to a heavy loss, early in the action, from the well directed fire of the Indians. *

After the action Wayne placed himself in the neighbourhood of the British fort, as if determined to attack it. It was well garrisoned and defended by cannon and protected by *abatis*.† Wayne had no guns and was in no way provided with provisions. Indeed, he was unable to remain on the ground more than forty-eight hours, when he retreated to his

* [There is a passage in the "Life and Letters of the late Hon. Richard Cartwright" that I am impelled to mention. It is contained in a letter to Isaac Todd, dated Kingston, 8th of October, 1794, p. 63. Cartwright informs his correspondent that some of the Detroit militia, with Colonel Caldwell at their head, "very imprudently joined the Indians" in their action. Four were killed and several wounded,—among them, one McKillop—and Charles Smith, Clerk of the Court in Detroit. The fact is not mentioned by McKee, or by Campbell, in his confidential correspondence with his commanding officer at Detroit, Col. England, or in any letter of Simcoe. Moreover, there is not the slightest allusion to such a circumstance by Wayne or any United States writer. There was possibly some report of this character at Kingston, but it is unauthenticated, and I consider unfounded. Even if it could be shewn that white men were present in the action, they were in no way connected with the garrison, but present only in their individnal capacity to take their chance with the Indians.

† We know this fact by the report of the desertion of a drummer named Bevan. He is represented as having gone down to the river to wash his shirts, and, having "crept through the *abatis*," he got away. It is not every deserter who aids in establishing an historic fact.

base. Had Wayne made an attempt upon the fort it could only have been by a *coup de main*, and he would have brought the Indians upon his rear. It is now known that he had strict orders to avoid everything in the form of hostility with any British garrison, and, however strong his language, he could not enforce his demand, however arrogantly worded.* He contented himself with calling upon the commander, major Campbell, of the 24th, to withdraw from the post as being within United States territory. The reply, as might have been expected, was that the post could not be abandoned until the commandant had received orders to that effect from those he served under, and there the matter rested.†

The Indians were entirely routed in the action and did not

* The duke of Portland to Hammond *chargé d'affaires* at Philadelphia, 17th of July, 1794. [Simcoe papers, III., p. 318.] "He (Jay) gave me the most explicit assurances that general Wayne had no orders, that could authorise his attacking any of the posts held by his majesty since the peace."

† These letters are given by Jacob Burnet in his "Notes on the Early Settlement of the North Western territory." New York and Cincinnati, 1847" [pp. 175-179]. They are only imperfectly known in the United States, and I believe have never been published in England. Under any aspect I consider that they should have a place in this history, and they are appended at the end of this chapter. Burnet describes the fort to have been a regular military work of great strength, in front protected by a wide river, with five guns mounted. The rear, which was most open to attack, had two regular bastions, furnished with eight pieces of artillery; the whole surrounded by a deep ditch, with horizontal pickets projecting from the parapet over the ditch. From the bottom of the ditch to the top of the parapet the height was about twenty feet perpendicular. The works were also surrounded by an *abatis*, and defended by a strong disciplined garrison. Nevertheless, Burnet states that Wayne manifested a strong desire to storm the fort, and it was the opinion of those who were with him that he sought to provoke the British commander to some hostile step that would have justified such a movement.

These conclusions are unwarrantable. I have mentioned that Jay informed the duke of Portland that Wayne's orders debarred him from any such proceeding. Had he made the attempt, there were in the garrison four companies of the 24th, about 200 men, a detachment of Rangers, and some U.E. Loyalist Upper Canada militia, the whole amounting to 400 men. Wayne was without artillery, without provisions, his force lately enlisted, and imperfectly disciplined, and any offensive operations against the British garrison would have brought the Indians on his rear. The storming of such a place could only have been undertaken by a

further oppose in the field the forces sent against them. The following year they made peace with Wayne by the treaty of Grenville. The boundary line assigning the limit to the Indian territory started from the Ohio, nearly opposite to the mouth of the river Kentucky, whence a line was run to fort Recovery on the sources of the Wabash, south of the 41st parallel. The line then took a due easterly course to the Cayahoga creek, the waters of which it followed to lake Erie.* This demarcation left to the Indians the southern shore of lake Erie north of this line, the valley of the Maumee river, and the peninsula of Michigan. The country north of the Ohio, south of this demarcation, was recognized as United States territory.

It has been stated, even in a late work, that Simcoe was recalled owing to the complaints made by the United States government, that he had excited the western Indians to hostility. I am at a loss to know on what ground this statement has been advanced, and repeated, for it is baseless.

highly disciplined body, accustomed to war. Had the attempt been made, the fate of Wayne's force would have been annihilation. His operations were accordingly limited to destroying the crops around McKee's residence.

Simcoe reported to Dundas, Campbell's "most wise, firm, and temperate conduct in his very peculiar and difficult situation," and recommended him to Dundas' attention "as worthy of his Majesty's approbation." Dorchester wrote to Simcoe that his high sense of Campbell's service should be made known to him.

By a letter of Simcoe to Portland it would appear that Campbell's reward was the publication in the official gazette of an extract of the despatch of Simcoe "respecting the good conduct of lieutenant-colonel Campbell on the Miami."† So far as I can learn, this was the sole recognition of the admirable service rendered by him; but these were the days when the British soldier "conquered in the cold shade of an aristocracy."‡ Posterity will more worthily bear testimony to his deserts.

* At the mouth of this creek the important city of Cleveland in the state Ohio has been established.

† [Simcoe papers, IV., p. 106, Kingston, 17th of March, 1795.]

‡ "Napoleon's troops fought in bright fields where every helmet caught some gleams of glory, but the British soldier conquered in the cold shade of an aristocracy. No honours awaited his daring, no despatch gave his name to the applauses of his contrymen, his life of danger and hardship was uncheered by hope, his death unnoticed."

Napier's Peninsular War, Vol. III., p. 260, Book V., chapter III.

It displays, moreover, a want of acquaintance with history. Simcoe remained governor of Canada to July, 1796. Jay's treaty was passed in 1794, and although signed by Washington in 1795, it continued to be a source of attack in the house of representatives during 1796. In 1794 Wayne defeated the Indians on the Miami, and peace was declared with them in 1795, after which they ceased to be actively hostile. Moreover, the United States authorities did not recognise Simcoe as holding more than a secondary position. Dorchester was the one person they regarded as possessing power. It was his address to the Miami Indians in February, 1794, that called for their remonstrances to the British minister Hammond, and excited the activity of hostile feeling, encouraged by the politicians opposed to Washington's government.

The truth is, Simcoe became early discontented with his position. It is plain that he accepted office with the conviction he would have power to carry out, uncontrolled, the policy he conceived desirable. He had not taken the position from the necessity to live. He was in affluent circumstances and in a good social position. He was present in Canada from motives of patriotism, abandoning much that was agreeable in life to accept the rough existence of a governor in a newly settled colony. He had a keen sense of personal honour and a high standard of duty. With perfect singleness of purpose, he strove to establish on a sure basis the newly founded province entrusted to him. He had formed the same opinion as had forced itself upon Dorchester: that the publicly expressed hostility to Great Britain threatened to make war inevitable. War would, in his view, have had this merit, that it would admit of a revision of the frontier, so that the possessions of the Indians could be defined and secured. Accepting the provisions of the treaty as they were, he had formed the opinion that, although they limited the geographical extent of Canada, they did not transfer the Indian possessions to the United States. He regarded the Ohio as the boundary of their hunting grounds, and he held

that it was a breach of the conditions, for United States settlers to endeavour to occupy the country by force. The abandonment of the posts by the British he looked upon as a concession granted from their being without the limits of Canada. But as they were retained owing to the non-fulfilment of certain clauses of the treaty, these clauses having been violated, the treaty was not binding in other respects. These opinions appear to me to be clearly traceable in Simcoe's letters.

So long as sir Alured Clarke, as lieutenant-governor of Quebec, remained in command of the forces, there was no friction of authority. Clarke himself looked forward shortly to return home, and no point of unpleasantness presented itself. On Dorchester's return it was no longer the same. Dorchester conceived that Simcoe was his official subordinate, and, in the pressure of circumstances in which Canada was placed, enforced his own views. It was Simcoe's opinion that the capital of Upper Canada should be established on the Thames, approximately where the city of London now stands. Dorchester's view was that Toronto should be selected. Simcoe conceived that Toronto should be fortified and made a station for the shipping of lake Ontario. Dorchester gave the preference to Kingston, and objected to any fortifications being constructed at Toronto. Simcoe desired to retain as strong a force in Upper Canada as the number of the troops would permit; on the ground, that their withdrawal would destroy with the Indians all confidence in the power of Great Britain. Dorchester felt the necessity of concentrating in Lower Canada, for the defence of Quebec, what men he had at his disposal. Simcoe, before leaving London, had entered into a correspondence with Dundas, which he likewise continued from Niagara with the duke of Portland. He constantly wrote to Hammond, the British minister at Philadelphia. Thus he was in no way prepared to have his plans opposed and set aside.

He had written to Dundas in June, 1794, pointing out the

differences between himself and Dorchester as to the selection of a harbour, and at some length had sustained by argument the opinion why his policy should be observed.

Finding that his repeated representations did not obtain the attention which he felt they deserved, in December, 1795, he applied for leave of absence on account of ill health, recommending the senior councillor, Peter Russell, as the most suitable to administer the government. He added, if leave could not be granted, he wished to resign his office. Thus his retirement from his government was entirely his own act.

One of Simcoe's arguments in advocacy of his policy of establishing the posts he had recommended, on the Thames, Long-point, lake Erie, and at Matchedash bay, was his theory that the true principle for the establishment of future towns was to begin by quartering troops in a locality, "to create a solid and permanent system which would never spring up merely from agriculture, and would be late indeed if left to the culture of mercantile monopoly."

The experiences of a century have proved these theories to be entirely untenable. Indeed, it may be asserted as a broad principle that there are no means of artificially founding a city. If established for a purpose, the place attains the importance incident to the objects which have led to its being, but it does not go beyond them. No place can attain importance except from the direct influences which have called forth its prosperity, and as they prevail, or as they cease, the impetus of growth is regulated. The several military stations in Canada have remained more or less villages. In the province of Quebec, Sorel, Chambly, Laprairie, Saint John's, during the occupation of them by the garrisons, remained stationary. The access of population of late years apparent is traceable alone to the introduction of manufactures and to the commercial activity called forth by the increased prosperity of the surrounding district. Blairfindie, between Chambly and Saint John's, which, during the war of 1812, was occupied by some squadrons of the

cavalry regiment then in Canada, has so passed out of notice as not even to contain a post-office at a period when by political influence, post-offices are established broadcast. Amherstburg, in Ontario, at the entrance of the Detroit river, is quietude itself. If Hamilton and London have become large and important cities, it is from being the centres of a rich farming district. The contrary, however, was Simcoe's theory, and he held it to be unanswerable.

Simcoe appears to have had little thought of the war with France, as it might affect Lower Canada, or that it was Dorchester's duty to be prepared for any expedition against Quebec. If we are to judge Simcoe by his letters, he regarded his principal duty to be the protection of Upper Canada against attack from the United States, and that this view should take precedence of all other considerations. In 1793 and 1794, until the wisdom of Washington led to Jay's mission to England, the violence of the republican party in its unfriendliness to Great Britain gave too much ground for the belief in the possibility of war. But when Dundas read Simcoe's letters, Jay had been in London upwards of three months, and Dundas had written his reproof to Dorchester for his address to the Miami Indians. Dundas never shewed particular friendliness to Dorchester, but he must have smiled somewhat grimly when, with the knowledge of the satisfactory progress of the negotiations with the United States, Simcoe complained that, in place of fortifying Toronto, Dorchester desired to secure the harbour of Kingston, "regarding the Saint Lawrence as the point of principal attention."

Simcoe brought to the notice of Dundas the fact that, owing to the defalcations of the superintendent at Michillimackinac, McKee had been assigned the additional duty of superintendence of that post. A court of inquiry had lately been held there, and it had been found that nearly one-half of the stores had been purloined. Simcoe suggested that McKee should be made an executive counsellor for Upper Canada, and constituted the president of a superintending

committee, controlling the policy to be observed towards the Indians and reporting through Simcoe to Dorchester. Such a step would have placed under Simcoe's control the policy observed towards the Indians. Indeed, he asserted that it was not possible for the Indian affairs to be properly directed from Quebec. It was, in reality, one of the many instances of his endeavour to increase his powers and make himself independent of the governor-in-chief.

A proceeding of Simcoe setting discipline at defiance was the appointment of a captain McGill to purchase provisions for the troops in Upper Canada, independently of Dorchester's consent and without reference to the commissariat. Dorchester pointed out that the department might be thrown into confusion, and sent the treasury orders for Simcoe's consideration.*

A similar instance occurred in the Indian department. Dorchester, embarrassed by the absence in England of the superintendent general, sir John Johnson, in December, 1794, appointed McKee superintendent general and requested his attendance at Quebec. On his non-arrival, Dorchester addressed Simcoe, repeating his orders for McKee to proceed to Montreal, and asking explanations for delay. †

In reply to Dorchester's letters, Simcoe gave as the reason of McKee not having made the journey, that he was not present; and, as McKee could not return before May, he recommended that another officer should be employed.

In the spring of 1795, Simcoe again applied to Dorchester to make changes in the Indian department, basing the request upon a letter he had received from Dundas. The changes asked, he said, were grounded upon the determination to include them in the new commission to be issued to sir John Johnson. Dorchester replied by "sending for his satisfaction" copies of a letter he had himself written to lord Grenville, proposing an alteration in the commission, with an extract of

* [Can. Arch., Q. 71, p. 221, 20th of October, 1794.]

† [Can. Arch., Q. 71.2, p. 261, 26th of December, 1794. Ib., 21st of January, 1795, p. 292.]

a letter from Dundas on the subject. Dorchester could only suppose that the letter alluded to by Simcoe had been written by a clerk through some error, as it was so at variance with the spirit of his letter to lord Grenville. What was a proof of the correctness of this view was the text of the commission of sir John Johnson, an extract of which he enclosed; it had been drawn up in accord with Dorchester's recommendation. Dorchester added that he had no power to make the alterations asked, nor did his judgment allow him to recommend or approve them.

Even after the ratification of Jay's treaty, when all questions in dispute with the United States had been settled, Simcoe argued for the retention of troops in Upper Canada, urging that his whole system, and no particular part of it, had met with Dundas' approval. Dorchester replied to this attempt to override his authority by saying that he had conceived from the language of Dundas, addressed to himself, signifying his approval of Simcoe's views "being concise, general and unlimited," that he had sent all the necessary powers and instructions for carrying them into execution. "I did not apprehend," continues Dorchester, "that he (Dundas) expected more from me than that I should observe, he had suspended the powers granted by the king's commission to the commander in chief of his majesty's forces in North America, as well as the power of the governor of Upper Canada, so far as the complete execution of your projects might require. I flattered myself that my passive acquiescence in this suspension would fully answer Mr. Dundas' intentions, and I could but acknowledge the propriety and wisdom of placing the execution of this entire system in your own hands."

He proceeded to say that he had considered himself as wholly disengaged from the smallest interference, but if, contrary to all expectation, he must act, he must be directed by his own judgment, or "by distinct and precise orders from those whose station may qualify his obedience." It was his intention, as soon as the evacuation of the upper

posts took place, to order down the 5th, 24th, and probably the detachment of the 60th, leaving in Upper Canada the Queen's Rangers and as many of the Royal artillery as may be necessary to take care of the ordnance stores, 100 of the Rangers to be stationed in the Detroit river, opposite Bois Blanc island, and 100 on the British side of the river Niagara. This arrangement would leave in Upper Canada, not including Kingston, nearly the same troops as were there in 1786. In Lower Canada matters were different, and must so remain during the war. Orders would be given for carrying this arrangement into execution.*

It might be conceived that a letter so clearly establishing Simcoe's subordination as lieutenant-governor would have had the effect of moderating his pretensions to carry on the government of Upper Canada, independently of every consideration which affected the province as a whole: especially during the war with France, then taking serious proportions. It should have been plain to Simcoe that, even if Dundas had accepted his views as judicious, the minister would not take the responsibility of giving him power to act on his own theories, regardless of the governor-in-chief. But he would in no way be guided by this truth. He replied to Dorchester by a long despatch, in which he referred to their past correspondence. He stated that he had paid implicit obedience to the orders and directions of Mr. Dundas, with regard to the preparatory steps for the site of the capital to be established on the Thames. He was particularly surprised at the distribution of the Rangers. He considered the withdrawal of the troops from Upper Canada most injurious to the prosperity of the province, and that beyond all calculation it would retard its growth.

These representations of Simcoe had no weight on Dorchester's mind. His resignation had been accepted, and he was only awaiting the arrival of Prescott. His one care was to transfer to his successor the government of the province in as satisfactory a condition as he was able.

* [Can. Arch., Q. 282.1, p. 45, 5th of November, 1795.]

In 1795 a painful tragedy took place in the family of Joseph Brant on the Grand river. As the case is represented, Isaac Brant, the son, without provocation and in wanton cruelty, murdered a white resident of the settlement, a saddler by trade, named Lowell, a deserter from Wayne's force. Independently of the brutality of the crime, its folly was manifest, for the murdered man, in his calling, would have been very useful to the Indians. Young Brant was not arrested, for the agents felt the difficulty of so acting without direct authority. Some short time afterwards, when at the west of lake Erie, after drinking heavily, he indulged in unrestrained and infamous abuse of his father. Upon the elder Brant entering the room where the son was, Isaac, maddened by liquor, attacked him with a knife. Brant warded off the blow, and, drawing a dirk, wounded his son on the head. They were at once separated, but the blow inflicted by the father proved fatal, and Isaac died a week after at the Grand river, whither he had been taken.

The father was himself badly wounded in the hand. The fatal consequence of the quarrel caused great unhappiness to Brant; he could, at least feel, whatever consolation the thought could offer, that the misfortune had been forced upon him.*

Simcoe, in a letter to Portland, wrote that but for the painful close to the event, he had determined to demand the murderer; and, in case of refusal on the part of the Indians to give him up, he would have sustained the civil power with his whole military force. He had previously brought the matter to Portland's notice, with the request that he might receive instructions how to act. These, Portland, to use Simcoe's phrase, had not thought proper to give.†

During the period of Simcoe's government five parliaments were held. I have described the first assembly held in 1792. The second parliament met on the 31st of May, 1793. Simcoe, in view of the war declared by France, called upon

* [Can. Arch. Report, 1891, p. xlvi.]

† [Can. Arch., 282, p. 142, 22nd of December, 1795.]

them to remodel the militia act, and, in so doing, dwelt on the duties which devolved upon the British race. He alluded to the late successes of Cornwallis in the East Indies, and foretold confidently a successful issue of the contest with France.

Parliament was prorogued on the 9th of July. Eleven acts were passed: among them, an act to make valid past and to provide for future marriages; an act to encourage the destruction of wolves and bears; a road act; an act to prevent the further introduction of negro slaves; and an act for payment of the members of the assembly.

By the marriage act the former marriages irregularly contracted were made legally valid, the husband and wife each declaring by a distinct oath that such were their relations. In cases of future marriages, when the contracting parties were eighteen miles distant from a clergyman, the ceremony could be performed by a justice of the peace, the forms of the church of England being followed. The act to be non-effective when five clergymen of that church were residents in the district where the parties lived.

Simcoe wrote to London that there was such unanimity with regard to the act legitimatising these early marriages, that he felt himself unable to withhold his consent on the ground of referring it home for approval.* He had been led to believe that there was a tendency to make matrimony a less guarded contract than good policy would justify. Simcoe mentioned with astonishment that a proposition to give power to ministers of all denominations to perform the ceremony could be entertained, but the intention had been abandoned.

Simcoe strongly supported the slave bill. There is ground for the probability that the impulse for its introduction came from him, and by his support it was carried. The preceding year he had written to a friend that the principles of the British constitution did not admit of slavery, which was also condemned by christianity. He added that "from the

* [Can. Arch., Q. 279.2, p. 335. Simcoe to Dundas, 16th of September, 1793.]

moment that I assume the government of Upper Canada, under no modification will I assent to a law that discriminates by dishonest policy between the natives of Africa, America or Europe." *

The bill met great opposition. The extreme cost of labour in the cultivation of land was urged as an argument against it. There was doubt whether the law authorized negro slavery or not. During the war many slaves had been purchased from the Indians at small cost, and the holders of them desired to reject the act entirely. The general feeling was that all action should be postponed for two years, so that those without slaves could procure them.

The act was somewhat euphemistically described as designed to prevent the further introduction of slaves and to limit the contract for servitude. The act of George III., ch. 27, admitting slaves into a colony was repealed, and it was enacted that no negro slave could hereafter be brought into the province. No slave could be bound by a contract to extend longer than nine years, and the ownership of such slaves had to be placed on record. The children of the slaves then in the province were to remain with the mother until twenty-five years of age, when they were to be declared free. Should any slave be liberated, security was to be given that he would not become chargeable to the district.

A duty on wine and spirits was proposed by the lower house, towards meeting the expenses of the legislature. As an import duty of this character was collected at Quebec, the proportion due to Upper Canada being paid to that province, the bill did not pass the upper house; the ground assigned was that it repeated the duty already paid in the lower province.

The third parliament lasted from the 2nd of June to the 7th of July, 1794. Twelve acts were passed: among them, a militia act; an amended road act; an act establishing courts of King's bench and of appeal; and an act laying a duty

* Simcoe papers, I., p. 497. Simcoe to Bond, Quebec, 7th of May, 1792.

upon stills. The expenses of the civil government at this date were $24,400.*

The fourth parliament opened on the 6th of July, 1795, and was prorogued on the 19th of August. Five acts were passed: as to the elegibility of persons for members of parliament; to confirm the agreement with Lower Canada on the matter of import duties; for the registration of deeds; to regulate the practice of physic; and to amend the act of last session with regard to the superior courts.

Simcoe's fifth and last parliament opened on the 16th of May, to close on the 20th of June, 1796. In his speech he spoke of the ratification of Jay's treaty and the preparations necessary to carry it into execution, involving the surrender of the posts. He pointed out that wheat was finding its way to the sea-board by the Saint Lawrence, showing that it was the natural channel of water communication to the ocean, for the country bordering on the lakes. Seven acts were passed: among them, one repealing the act for the destruction of wolves and bears, the further enforcement of its provisions being unnecessary, from the increase of the population; an act relative to the times and places for holding quarter sessions; for the appointment of commissioners to act with those of Lower Canada; a license law; an act limiting and establishing the current value of foreign silver coin; an act amending the judicature act; an act "providing for the wages of the members of the house of assembly."

In March, a petition was presented against the marriage act by the presbyterians of the county of Grenville, on the ground that their ministers were not empowered to perform a legal marriage. The petition was drawn up with much care and ability. It represented that they were "astonished and hurt" at this disqualification. They claimed liberty of religious conscience, and they could not conceive by what principle of justice numbers of the population should be deprived of this privilege. No one had deserved better of the house of Hanover than the presbyterians, for they had

* [Can Arch., Q. 280.2, p. 519.]

steadily co-operated in 1688 in the establishment of the constitution. Nevertheless, since that date they had been constantly persecuted by high churchmen. They claimed for themselves and for the ministry of every other denomination the power to perform the marriage rite.

This reasonable demand, conceded in modern times as an ordinary provision of social economy, worked in a totally contrary direction upon Simcoe's mind. The petition appeared to him an act of disloyalty to the government, and he brought his whole influence to oppose consideration of it. His personal feeling was strangely enlisted against it. He records that in the interview with some of those interested "he thought it proper to say that he looked upon the petition as the product of a wicked head and most disloyal heart." His only remedy was to recommend the establishment of church of England clergymen throughout the province.

It may be proper here to remark that the marriage law of 1793 remained unchanged until 1830, when by chap. 25, 11th George IV., it became lawful for any clergyman or minister of church, society, or religious community of persons professing to be members of the church of Scotland, Lutheran, Presbyterians, Congregationalists, Baptists, Independents, Methodists, Tunkers, or Moravians, to celebrate marriages. By this act, also, all former marriages were confirmed, the prescribed conditions having been observed.

The one act of relief in this interval was that of November, 1818, which permitted all who had failed to comply with the law of 1793 to legalize, within three years, their marriage in the mode prescribed.

Simcoe remained in York until the 20th of July, the date of his last official letter; on the following day, Peter Russell was sworn in as administrator. From a letter of Peter Russell, Simcoe appears to have been detained a month in Quebec.* He was, however, in London early in November. In July, previous to his departure, the posts of Oswego and

* [Russell to Simcoe at Quebec, 22nd of Sept., Q. 282.2, p. 583. Ib., p. 589, 10th of November.]

Detroit had been given over to the United States. Niagara was not transferred until the 11th of August, when the guard of the 5th, which had remained in charge, sailed for Quebec. This delay appears to have arisen from the non-arrival of the United States troops from Oswego. There was likewise delay in the new garrison reaching Michillimackinac, as appears from a letter from Peter Russell to Portland.

Although the posts were not transferred until August, by a general order of the 31st of May the garrisons were withdrawn in June, except small parties which were left to give over the forts to the United States troops.*

There is ground for the opinion that Simcoe looked forward to return to Upper Canada. Russell wrote to Portland that the legislature had been prorogued and new writs issued. It was not, however, his intention to convene the houses before June, except in case of necessity, as he hoped before then to resign his charge to Simcoe. Simcoe, although not in good health on his arrival in London, had been there but a few days when he was ordered to the government of San Domingo. He was then major-general, having been appointed to that rank in October, 1794.†

At the end of the year Simcoe's health was so bad that he applied for leave to return home. He must have obtained

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* The following detachments were present at the several posts at the period of the transfer:

Michillimackinac,	1 officer	20 men.
Detroit,	1 captain, 2 subalterns.....	50 "
Niagara,	1 " 2 "	50 "
Oswego,	1 officer.....	20 "

On the occupation of the posts by the United States troops, these detachments, according to the order they received, descended the Saint Lawrence to Kingston.

[Simcoe papers, V., p. 206.]

† The curious circumstance is that no official communication of his promotion reached Dorchester. Even as late as October, 1795, Simcoe was officially addressed as colonel [Simcoe papers, IV., p. 411]. In January, 1796, colonel Beckwith, the adjutant-general, wrote privately to Simcoe by Dorchester's request [Simcoe papers, V., p. 25], that he had hitherto addressed him by his former rank, in expectation that the promotion would be notified from home. Nothing had been heard on the subject, but he would no longer defer giving him the rank to which he had been raised.

it in an irregular way, for Portland, from whom he asked permission to sail in a king's ship, in acceding to the request, wrote as if guided by Simcoe's information only. He left San Domingo on the 27th of September, 1797. After his arrival in England, in a memorial to the duke of Portland, he states that it had been believed that he left his government without authority. The explanation given is that by the misunderstanding of a clerk his name was taken out of the order granting leave and that of sir Ralph Abercrombie substituted. An interview with Mr. Pitt satisfactorily explained the difficulty, and in order to establish Simcoe's good standing in the army, in October, 1798, he was promoted to lieutenant-general and nominated colonel of the 22nd foot. In 1800 he was placed in command at Plymouth. On tendering his resignation of that position and applying to be sent on foreign service, he was appointed commander-in-chief in India. In 1806 he was directed to join lord St. Vincent's fleet in the Tagus, having, in connection with the earl of Roslyn and the earl of St. Vincent, been included in a diplomatic mission to Lisbon. There was a peculiar fitness in Simcoe's appointment, for his father, when captain in the navy, had been sent to that city after the great earthquake with money collected in England to aid in relief of the distress.

Simcoe had scarcely reached Lisbon when he became prostrated with sickness and was recommended to return to England. He sailed in the "Illustrious," man-of-war, and reached Torbay on the 20th of October, whence he was conveyed in a sloop, fitted up to receive him, to Topsham. With difficulty on that day he arrived at the house of archdeacon Moore in the cathedral close of Exeter. He died on Sunday, the 26th of October. He was buried at his domestic chapel at Woolford on the 4th of November. A monument to his memory, by Flaxman, was erected in Exeter cathedral. Simcoe, at his death, was but fifty-four years of age.

In April, 1796, Dorchester received official information

that lieutenant-general Robert Prescott had been appointed lieutenant-governor of Lower Canada and commander-in-chief in North America.* He was informed that the man-of-war, the "Quebec," which was taking out Prescott, had been placed at his service, to bring himself and his family to England. He was desired to give full instructions to Prescott for the final evacuation of the posts; with the information that the military stores they contained were the property of the king and would be of importance to the new posts to be formed.

General Robert Prescott was of a good Lancashire family. He had served in the American war, and, on the declaration of war in 1793 by France, in the West Indies. For a short period he had been governor of Martinique, and owing to ill health had applied for leave of absence. At the date of his arrival in Canada, he is represented as being in his seventy-first year. He must, however, have been in full vigour, for he lived until his eighty-ninth year, having died in 1815.

Dorchester assembled the last parliament held during his government on the 20th of November, 1795; it lasted until the 7th of May. He directed its attention to the bad harvest which had been gathered in the province, owing to which he had found it necessary to lay an embargo on the exportation of wheat until the 10th of December; he asked their consideration, whether further steps were necessary to meet any distress which might be suffered by the poorer population, owing to the failure of the crops. A road act was passed, which afterwards caused some discontent, but this unpleasantness led to no complications during Dorchester's government. After his departure the feeling of dissatisfaction took a more active form, and attempts were made to resist it.

Dorchester embarked for England on the 9th of July, 1796. The lieutenant-governor, general Robert Prescott, by procla-

* [Can. Arch., Q. 75.1, p. 32.] Prescott's commission was dated the 7th of April, 1796, if the date of the letter communicating the fact can be accepted as proof.

mation assumed the government on the 12th of the month. Addresses from Quebec and Montreal were presented to the governor on his departure. They bore testimony to his mild and auspicious administration, by which the resources, prosperity and happiness of the provinces had increased in a degree almost without a parallel. They dwelt upon the advantages derived by the example set in the lives of himself and his family, and expressed the deepest regret at his departure. The addresses gave assurance of loyalty to the crown, and of warm appreciation of the "happy government under which it is our glory to live."

The "Active" frigate, on which Dorchester left, was wrecked on the island of Anticosti. There was no loss of life; the governor and his family were embarked on vessels to reach Percé, near Gaspé. A ship was obtained from Halifax to carry them to England, where he arrived on the 19th of September. Dorchester retained his office as governor-in-chief until the 27th of April, 1797, when Prescott was appointed as his successor.

Dorchester thus ceased to be the protagonist on the political stage of Canada. His name still lives in our memory and must ever be a household word. In the county of Carleton, in which Ottawa the capital of the dominion is situate and where this attempt to write the history of Canada is being made, it is daily repeated in the commonest acts of our lives. In the change of nomenclature, enacted by the Representation bill of March, 1829, by which the members were increased in number from fifty to eighty-four, and the old names of the counties were replaced by those connected with French Canadian history, that of Dorchester was retained, being given to the county, south of the Saint Lawrence, extending from the county of Levis, opposite Quebec, to the boundary of New Brunswick.

Dorchester's career is inscribed in the annals of the dominion at intervening periods, from the conquest of Quebec to his departure in 1796. He was, in the first instance, present with Wolfe's army. He had been appointed

lieutenant-governor in 1766, and governor in 1768, which office he held for ten years, until 1778. He was absent from Canada in the period from 1770 to 1774. Again, after Haldimand's departure, appointed governor in 1786, he arrived in Quebec in 1783, holding the office until 1796. He had thus performed sixteen years of active political duty in the province.* It was therefore no figure of speech on his part to say, in the answer to the address, that "the general prosperity and happiness of the province in which I have passed so great a part of my life will ever interest me in the most sensible manner."

Dorchester's character is read in the record of his services. It calls for no special eulogy, for he was the prominent figure in the events in which he took part. His military success is written in his services with Wolfe, in the pregnant sentence that he saved Quebec in 1775, and that in 1776 he drove before him from Canadian soil the congress forces like a flock of sheep. In his political career, his moderation, justice, prudence and genius can everywhere be recognised. He had the keenest sense of what was due to the dignity and character of Great Britain. In his private life there was ever apparent a chivalrous sense of honour, truth, and self-sacrifice, and those great qualities which have been shewn in the lives of so many illustrious men of our race, as our guide and example, and as a consolation in our struggles and sorrows. He was one against whom "not even the semblance of a vice could stick." There is no monument to his memory in the dominion, except in the hearts of those who know what we owe him. We are, however, awakening to our duty in this respect, and the hour may come when some mark of national gratitude may be raised to record his worth, for there is no one in our history who deserves better of us and of our children.

Lord Dorchester died at his seat, in Berkshire, on the 10th of October, 1808, aged eighty-three. †

* 1766 to 1770 (four years), 1774 to 1778 (four years), 1786 to 1791 (five years), 1793 to 1796 (three years); total, 16 years.

† Annual Register, 1808, p. 149.

CORRESPONDENCE BETWEEN MAJOR GENERAL WAYNE, U.S. FORCES, AND MAJOR CAMPBELL, 24TH REGIMENT, COMMANDING FORT ON THE MAUMEE, AUGUST, 1794.

MAJOR CAMPBELL TO GENERAL WAYNE.

Miamis River, 21st August, 1794.

SIR,—An army of the United States of America, said to be under your command, having taken post on the banks of the Miamis for upwards of the last twenty-four hours, almost within reach of the guns of this Fort, being a post belonging to his Majesty, the king of Great Britain, occupied by his Majesty's troops, and which I have the honour to command, it becomes my duty to inform myself as speedily as possible, in what light I am to view your making such near approaches to this garrison.

I have no hesitation on my part to say, that I know of no war existing between Great Britain and America.

I have, etc.,

WILLIAM CAMPBELL,
Major 24th Regt., commanding a British post on the banks of the Miamis.

MAJOR GENERAL WAYNE TO MAJOR CAMPBELL.

Camp on the banks of the Miamis, 21st August, 1794.

SIR,—I have received your letter of this date, requiring of me the motives which have moved the army under my command to the position they now occupy, far within the acknowledged jurisdiction of the United States of America. Without questioning the authority or the propriety, Sir, of your interrogatory, I think I may, without breach of decorum, observe to you, that were you entitled to an answer, the most full and satisfactory one was announced to you from the muzzles of my small arms, yesterday morning, in the action against the hoard (horde) of savages in the vicinity of your post, which terminated gloriously to the American arms, but had it continued until the Indians, etc., were drove under the influence of the post and guns you mention, they would not have much impeded the progress of the victorious army under my command, as no such post was established at the commencement of the present war between the Indians and the United States. I have, etc.,

ANTY. WAYNE, *Major General,*
Commander-in-Chief of the Federal army.

MAJOR CAMPBELL TO GENERAL WAYNE.

Fort Miamis, 22nd August, 1794.

Although your letter of yesterday's date fully authorizes me to any act of hostility against the army of the United States of America in the neighbourhood under your command, yet, still anxious to prevent that dreadful decision, which perhaps is not intended to be appealed to by either of our countries, I have foreborne for these two days past, to resent those insults you have offered to the British flag, flying at this fort, by approaching it within pistol-shot of my works, not only singly but in numbers, with arms in their hands.

Neither is it my wish to wage war with individuals, but should you after this

continue to approach my post in the threatening manner you are at this moment doing, my indispensable duty to my king and country, and the honour of my profession, will oblige me to have recourse to those measures which thousands of either nation may hereafter have cause to regret, and which I solemnly appeal to God, I have used my utmost endeavour to avert.

I have, etc.,

WILLIAM CAMPBELL.

MAJOR GENERAL WAYNE TO MAJOR WILLIAM CAMPBELL.

Camp, Bank of the Miamis, 22nd August, 1794.

In your letter of the 21st instant, you declare, I have no hesitation on my part to say that I know of no war existing between Great Britain and America.

I, on my part, declare the same, and that the only cause I have to entertain a contrary idea at present is the hostile act that you are now in commission of, i.e., by recently taking post far within the well known, and acknowledged limits of the United States, and erecting a Fortification in the heart of the settlement of the Indian tribes, now at war with the United States.

This, Sir, appears to be an act of the highest aggression, and destructive to the peace and interest of the Union. Hence it becomes my duty to desire, and I do hereby desire and demand in the name of the President of the United States, that you immediately desist from any further act of hostility or aggression, by forbearing to fortify and by withdrawing the troops, artillery and stores under your orders, and directions forthwith, and removing to the nearest post occupied by his Britannick Majesty's troops at the peace of 1783, and which you will be permitted to do unmolested by the troops under my command.

I have, etc.,

ANTY. WAYNE.

MAJOR CAMPBELL TO GENERAL WAYNE.

Fort Miamis, 22nd August. 1794.

SIR,—I have this moment the honour to acknowledge the receipt of your letter of this date, in answer to which I have only to say that, being placed here in command of a British post, and acting in a military capacity only, I cannot enter into any discussion, either on the right or impropriety of my occupying my present position. Those are matters that I conceive will be best left to the ambassadors of our different nations.

Having said this much, Sir, permit me to inform you that certainly I will not abandon this post at the summons of any power whatever, until I receive orders to that purpose, from those I have the honour to serve under.

I must still adhere to the purport of my letter this morning, to desire that your army or any individuals belonging to it, will not approach within reach of my cannon, without expecting the consequences attending it.

Although I have said in the former part of my letter that my situation here is totally military, yet let me add Sir, that I am much deceived if his Majesty, the king of Great Britain, had not a post upon this river at, and prior to the period you mention.

WILLIAM CAMPBELL.

[Can. Arch., Q. 70, pp. 28–36.]

BOOK XXVI.

Lower Canada.

Government of

Sir Robert Prescott.

Lieutenant-Governor Sir Robert Shore Milnes.

Mr. Dunn, Administrator.

1796–1807.

Upper Canada.

Peter Russell, Administrator.

Lieutenant-Governor Peter Hunter.

Alexander Grant, Administrator.

1796–1806.

CHAPTER I.

The retirement of Dorchester as governor-general, almost simultaneously with that of Simcoe from the upper province, establishes the starting point in the history of Canada whence the narrative of the civil government of the two provinces can be separately written. The control of military affairs alone was concentrated in the general commanding-in-chief, and it was by his orders only that the movement and quartering of the troops in both provinces were decided. The legislative proceedings in connection with the political events of the two provinces were distinct and, generally speaking, had little or no relationship. The provinces indeed constituted in their municipal existence two separate governments, and hereafter must so be considered.

In Lower Canada, General Prescott, in addition to his civil appointment, was in command of the forces. He continued as lieutenant-governor until the 27th of April, 1797, when he received his appointment as governor-general. In the first year of his authority he could exercise military control in Newfoundland, but in May, 1798, a new commission was issued, in which, owing to the distance of that colony from Canada, the command was removed from his supervision. A new commission in accordance with this provision was issued.* Prescott only remained in Canada until June, 1799, but retained possession of his rank, as governor, until 1807.

The trial and conviction of David McLane took place during his government.† If he is to be judged by the evidence given at his trial, the man appears to have been of

* [Can. Arch., Q. 80, p. 1.]

† In official documents he is called both McLean and McLane; as he has generally been mentioned in Canadian history as McLane, I do not feel warranted in changing the orthography.

unsound mind. With this supposition, it might be said that his sentence would have been more just had he been confined for life in an asylum as a criminal lunatic. There are, however, many circumstances to be considered, to interfere with the acceptance of this view. The plain truth is that it was held necessary that an example should be made to stay the agitation and discontent which were becoming mischievous. No one can pretend to affirm that McLane was innocent and not engaged in attempts to disturb the public tranquillity, for his design was professedly the destruction of British power in Canada and to affirm the rule of France. He claimed to be a United States citizen, and to have carried on business at Rhode island, in which he had been unfortunate. His depressed circumstances may possibly explain the part he accepted, that of agent in the interest of France to foment rebellion. Never was a more striking example that "fools rush in where angels fear to tread." He entered Canada alone, and the men of whom he sought co-operation in his dangerous enterprises were in humble life and without the least influence. He was himself destitute of appliances to commit injury. As we read the evidence on which he was convicted, the first thought suggests that it is impossible to conceive the existence of any such dangerous plot. The facts, however, shew that much mischief was intended, and that there was a widespread organization, having its origin with the French minister at Philadelphia, to act aggressively, in order to create dissatisfaction and tumult. When sufficient numbers had become compromised, so that there was assurance of active support in the province, an invading force would have entered Canada. The evidence suggests that it would have been to a great extent composed of men from Vermont, well equipped with artillery, arms and ammunition. The project found no countenance with the United States government. The contrary view indeed prevailed, for no event was held more undesirable than the re-possession of Canada by France. It had, however, gained favour in Vermont, from a sense of the necessity of obtaining

an outlet from lake Champlain to the Saint Lawrence. The theory suggests itself, that despairing of obtaining concessions in this direction from Great Britain, those advocating the movement had conceived the possibility of attaining their ends by this violent proceeding and had accepted it as an alternative.

An opportunity was given to a display of turbulence, by the opposition entertained against the road act of the previous session. Riots had occurred in Montreal, and some of the participants in it had been arrested. On the occasion of an execution levied for the collection of a fine imposed on one Berthelot, the officer was so seriously beaten that his life was endangered. In the attempted arrest of one Latour, the execution of the warrant was resisted by armed men. It was well known that French emissaries had been sent among the people by Adet, the French minister who represented the revolutionary government. He had succeeded Fauchet, and was as mischievous as his two predecessors. His theory was that it was a necessity for France to possess territory in North America. Fauchet would have been satisfied with New Orleans. Adet had turned his thoughts to Canada as an indispensable appendage to the republic; and, as he had formed the view that it was necessary to gain possession of it, his intrigues were directed to the accomplishment of this design. He had originally served in the artillery, but had abandoned the army to study chemistry. This pursuit he had left, to be drawn within the vortex of political life. He had attracted sufficient attention to be sent to the United States as minister when he was about thirty-three. One of the incidents of his revolutionary effort was the circulation of a pamphlet, signed by himself, bearing the arms of the French republic and addressed to the French Canadians. He narrated how France had conquered Spain, Austria and Italy. She now designed to subdue Great Britain, beginning with her colonies. He thought it his duty, in the first instance, to direct the attention of the French government to the Canadians, to relieve them from the slavery under which they

groaned. He was then taking steps to effect his purpose. He dwelt upon the great advantages offered by a republic over such a form of government as that of British rule, and he concluded with the declaration that in a short time one cry only would be heard from Canada to Paris, "*Vive la république.*" Anticipating that the republic would raise troops in Canada, commissions would be sent for those willing to serve France.

This movement, owing to the discontent it created, was regarded as being of so mischievous a character that a proclamation was issued against sedition, and orders were given for the troops to be called out, when necessary to sustain the civil power. This determined attitude of the government suppressed the agitation, and in a short time it was reported to have ceased in Montreal; but, as Prescott wrote, more from the apprehension of order being enforced than from any change of feeling.

The condition of unrest arising from Adet's movements was no fanciful theory, and Liston, the British minister at Philadelphia, wrote at length regarding his designs. They were the more extraordinary, that they not only found no favour with the authorities, but were in direct opposition to the views of the government and of the ablest men in political life. In November, Liston wrote confidentially to Prescott that, owing to the neutrality which had been declared by the United States, Adet had become impressed with the desirability of regaining Canada for France, and that his agents had been sent into the province, organizing measures to effect the result. One of this class had lately returned and had boasted of his success. The invariable accompaniment of these intrigues was the report that a French fleet was off the coast. It was now said that it had visited Newfoundland and had taken Saint John's, and was on its way to the Saint Lawrence. The Canadian Government was informed that active agents had established themselves on the frontier at lake Champlain, and from time to time were visiting Canada, as was held expe-

dient. Confidential agents were accordingly employed to discover the secrets of their intrigues. One of the number so engaged reported that five Frenchmen had not long before been living at Rouse's Point. They had lately hired a guide to take them into Canada, but he had led them astray. On their return, they had separated; one du Millière alone remained, who had established himself near the lines. This person spoke freely of himself as being a general in a movement against Canada. According to his statements, the French were to enter the province in small parties, to avoid notice, and mix with the French Canadians. By these means, they would obtain their support and co-operation. Next spring, the invasion was to take place. Du Millière was short of money; at least, his wife was selling her trinkets to support her wants. The report ran that the invading army would be composed of United States citizens, with the Canadians who were established in the country. A letter was obtained, signed Peters; but from the French commission, enclosed in the name of Du Calvet, it was held that the signature was assumed. The letter was dated from Burlington: the writer stated he was going to New York, but would in spring return and make the English dance the "*Carmagnole.*"

In December, the attorney-general reported, from information received, that parties sent from the French directory were in the province, with copies of a proclamation to be published at the time when advantageous. The movement was receiving strong support in Vermont. Ira Allen had obtained at Paris a quantity of arms, ostensibly for the Vermont militia, but in reality destined to arm Vermont volunteers for the conquest of Canada. Any necessity for the possession of arms by this state could by no means be recognised. Vermont had been admitted into the union in 1791 with the usual conditions and privileges, and there was no occasion for any such purchase. There was no quarrel with Canada; on the contrary, most friendly feelings had been expressed. The report of such a probability seemed difficult of belief.

The news was, however, confirmed. In January, 1797, the duke of Portland wrote from London that the "Olive Branch" from Ostend had been taken and brought into Portsmouth. She contained 20,000 stand of arms, several pieces of artillery with ammunition, and Mr. Ira Allen, of Vermont, was on board the vessel. He explained his presence by stating that the cargo was a purchase made by him for the militia of Vermont. But he could produce no documents, either from the governor or from the state, to authenticate his explanation. The first impression was that the arms had been obtained for a design upon Ireland. The duke of Portland, however, had seen a Mr. Graham, then established in England. From him Portland learned that, in his opinion, the arms were intended for such of the inhabitants of Vermont as would engage in an invasion of Lower Canada. Graham gave likewise the information that Genet, when French minister at Philadelphia, had offered to him and others 300 blank commissions in the French army, to be filled up as they saw fit; and that Allen had purchased a large number of feathers for hats. The project was one with which the states had nothing to do. Prescott was called upon to deal secretly with the information, in his endeavour to probe the truth.

In December, a deposition was made by one Barnard that McLane had addressed him when in Alburgh, in Vermont. Barnard was a native of Deerfield, in Massachusetts, but was then resident in Vermont. McLane told him that he was there to bring about a revolution in Lower Canada, and proposed to Barnard to take part in it. Shortly afterwards he met McLane in Montreal, when the conversation was renewed. McLane urged Barnard to join the movement, for the attempt upon the province would be made the following spring. Barnard immediately gave notice of the fact to one of the magistrates, Mr. McCord.

Du Millière still continued at Rouse's Point, engaged in a correspondence with several parties in Canada. He alone remained; for those who had been sent from France with

the expectation of finding the French Canadians ready to take up arms, had left, owing to there being no more money. Although these facts were known to the government, no arrests were made; for in April Portland wrote, expressing his surprise that such was the case with McLane.

With this knowledge of the design of an attempt upon Canada, we read the evidence given at the trial of McLane in a different spirit from what we would otherwise do. To suppose that McLane was at Quebec, alone, with no confederates, although provided with money with the intention at that time of carrying out his plans, is to regard him as little short of a madman. He was there to obtain associates in his undertaking; hence, it had been incumbent upon him to take a confident tone, so as to shew that he was working on a well considered plan.

If the events that at this period were causing agitation in the United States are left unconsidered, the attempt of McLane might be regarded a fable and his execution as a legal murder. In reality the organization to assail Canada was much more formidable than appeared upon the surface. Little indication can now be traced of the intrigues of that day to increase the power of France on the continent. There was no want of will on Adet's part to carry out the policy he had conceived, but there was much against the probability of its consummation. Prominent in the adverse influences which thwarted his pretensions was the unfriendly relationship which had arisen between France and the United States government; a relationship embittered by Adet's singular imprudence and neglect of diplomatic caution. He placed himself without any reservation in the hands of Jefferson and the republican party, avowedly the supporters of an intimate union with France, hoping by those means to accomplish his purpose.

After Jefferson's retirement from the position of French minister in Paris, Gouverneur Morris had been appointed to the post. With great generosity, during the reign of terror, he had endeavoured to aid many of the unfortunate

prisoners; among his imputed crimes was that of having assisted British subjects. He became extremely unpopular with the ruling government; the report even reached the United States that he had been guillotined. When Washington's government demanded the recall of Genet, the French government asked for the removal of Morris. In 1794 James Monroe, afterwards president, was sent to replace him. It was the year of Jay's treaty. Reports had reached France of the acceptance of the treaty, and great dissatisfaction was felt; for the treaty was regarded as a sacrifice of French interests. When the conditions became known, Monroe was informed that, so soon as the treaty received the president's approval, the alliance between France and the United States was at an end. This intimation was made in February, 1796; the directory was then in power. The news was at once despatched to America to heighten the agitation directed against its ratification. Independently of the expression of bad feeling, which Jay's treaty specially led to on the part of France, the old causes of quarrel of the days of Genet and Fauchet were renewed. Complaint was made that the United States had violated the treaty of 1778, by directing the courts to exercise jurisdiction over French prizes, and that they were violating the convention of 1788, by failing to recognise French consular authority. With regard to the treaty, the pretension was advanced that in every particular it discriminated in favour of England to the disadvantage of France.

So much dissatisfaction was felt by the United States executive with Monroe, for not pressing upon the directory with vigour and earnestness the arguments which had been supplied to him in favour of Jay's treaty, that he was recalled in 1796, and replaced by C. C. Pinckney. Adet was recalled by the directory in October, 1796. His last effort was to write four letters, with the design of influencing the popular vote in favour of Jefferson. They followed each other with rapidity, and, so soon as an official letter was despatched, a copy for publication was sent to the scurrilous newspaper,

Jefferson's organ, the *Aurora*. His policy was to make it a matter of belief that a war with France was imminent, and that the sole means of avoiding so great a disaster was to elect Jefferson as president. His first letter declared that France would extend to neutral nations the treatment they were receiving from England. The second, addressed to Frenchmen, called upon them to mount the French cockade. This counsel was accepted not only by Adet's countrymen, but by the supporters of Jefferson. The French cockade became the badge of his party, worn by men who could not have correctly pronounced two French words to save themselves from being hanged; hence with them a strange shibboleth! A few days later, Adet announced that he had been recalled. The fourth letter, addressed to the secretary of state, had primarily in view to exercise influence on the public mind. Like the other communications it was sent to the *Aurora*, but even the editor, Mr. Benjamin Franklin Bache, known in those times as "Lightning-rod, junr.," and remembered, if at all, by his insolent abuse of Washington, found the length and tediousness of the rodomontade too extreme for publication. It was a letter of reproach on the part of France which had assured the existence of the United States, at the same time complaining of the treatment French privateers had received and of the failure to observe past treaties. The document ends with praise of the conduct of Jefferson, whose patriotism he instanced by name.

These letters called forth stormy replies from the federalist party, the most savage of which were by the pen of the celebrated William Cobbett, who wrote under the name of "Peter Porcupine." The object of these letters was clearly shewn and was apparent in every second paragraph. The effect of the presumption of Adet had directly the contrary effect to what he anticipated. In the coming election, every state north of Philadelphia voted for Adams, against Jefferson. The contest was close. Adams, 71; Jefferson, 68. Adet may be said at that date to have lost Jefferson his election.

We may in Canada ask ourselves, bearing in view the facts I have narrated, what would have been the policy of Jefferson if chosen president in 1797? Surrounded by men who partook of his opinions and passions, would he have recognised the services of Adet, and from his leaning to France have satisfied the directory by the acceptance of their policy? His previous conduct, when secretary of state, suggests, and his known enmity to Great Britain gives warrant for the belief of the possibility. Would he have thrown the influence of the United States on that side, and by prepared events have caused them to become participators in the war? Or would he, in the hour of action and responsibility, have cowed before the opposition he would have experienced, and admitted his impotence to act as he desired? No argument can be drawn from the course followed by him after his election in 1801. In 1800 Napoleon was first consul, and he regarded interference in American affairs as in no way advantageous to France. Moreover, the peace of Amiens was signed in March, 1802. Napoleon's system of rule embraced Europe only; and the conditions affecting the government of Jefferson were no longer the same as those under which he would have assumed power in 1797. The transfer of Louisiana to the United States in 1803 establishes the fact. Had it fallen to the duty of Jefferson, as president, to consider the difficult questions which presented themselves to Adams, there might have been a different chapter of events. A sense of relief is felt, that as a point of history it is confined to speculation.

Although Adet had been recalled, there was no discontinuance in the efforts of his agents in Canada. Not unfrequently in these conspiracies the subordinate agents are chosen from their vanity, folly and recklessness; in many cases, also, from the desperation of their circumstances. McLane is an instance in point; he persevered in his attempts, with no prospect of success and with a fatuity which bewilders the readers. We may best learn his want of prudence by following the depositions which led to his conviction.

Black, a ship carpenter, testified that he had been called upon by a man named Frichet (Frechette), on pretence of selling some timber. When alone with him, Frichet had said that it was known to the French minister that Black was discontented with the British government, and had sent a French general to confer with him and other friends of the French cause, the design being to take possession of Canada. The general was now in the woods, three-quarters of a league distant. Black felt it a duty to accompany Frichet, who, on the road, told him that the man they were to meet had plenty of money and had assumed the character of a dealer in horses. That he was an Englishman or American whom Frichet had accompanied to Quebec in preference to a Frenchman.

On this person being met in the woods, he said that his name was David McLane and gave a letter of introduction from a Mr. Hundson, on lake Champlain. His object, he said, in being present was to drive the British from America. It was not difficult to surprise the garrison of Quebec when troops were being changed. He knew how to make all the guard drunk and set them asleep with laudanum. There were 15,000 men without the lines; but, owing to the principles upon which the wrongful government of America acted, they could not be brought into the province until summoned by the party he intended to engage. He wanted about ten confidential persons who had influence among the people, so they might be spoken to, one by one, to be brought into his plan.

Frichet, McLane's guide, had known him as Jacob Felt and had been sworn to secrecy. Frichet was a man entirely without education or influence; nevertheless, McLane had communicated to him his plans, and had engaged him to procure a written engagement, signed by six persons of Canada, to shew that the Canadians were dissatisfied with the British and desired the re-establishment of French authority. Such a demand was in itself a proof that McLane was wanting in every qualification to carry out the dangerous

duties he had undertaken. He was by no means backward in describing his mission. He declared himself to have been sent by the French government to excite an insurrection in Canada, and deliver the people from slavery; and that he was second in command. Frichet was also told how easy it was to surprise the garrison of Quebec. Five hundred men only were required, "resolute and secret," and McLane would be the commander and head them. *

McLane was arrested on the 10th of May, tried on the 7th of July, and executed on the 21st, on the glacis, near Saint John's gate, with the barbarous practices observed towards a prisoner who suffered for treason. Frichet, the subordinate agent, was tried for misprision of treason and sentenced to imprisonment for life. From consideration of his ignorance, the penalty was shortly afterwards remitted and he was set at liberty. Although McLane's career throughout was one of extreme folly, and it can now be seen that personally he was impotent for mischief, he was one of a class who was causing much trouble by unscrupulous agitation. We are not called upon in modern times to judge him by his mental calibre, but according to the active and self-asserting part he played. His intrigues were known to the authorities of Quebec for some weeks before his arrest. They were constantly receiving intelligence of the steps being taken in Vermont to help forward the project. If the evidence offered on this point be accepted, several persons in that state had embarked in the proposed design to obtain possession of Canada. The purchase of arms by Ira Allen is certainly no fable, for the vessel containing them was taken at sea; and to pretend that they were required for the state of Vermont is a tax on human credulity that no writer of character would attempt to foist upon us.

The position of the parties in Vermont who were implicated is perfectly explicable. They were desirous of obtaining the water communication by the Saint Lawrence to the ocean,

* Deposition of Charles Frichet, the 12th May, 1797. [Can. Arch., Q. 79.1, p. 70.]

indispensable before the days of canals and railways; and, having despaired of accomplishing their purpose by means of negotiation with the British government, they looked forward to attain their ends by this successful enterprise.

With the knowledge of the existence of this purpose, fomented by the intrigues of the French minister and encouraged by the directory to the extent of sending arms to carry out the attempt; with agents constantly mixing with the people, corrupting their minds by falsehood and every bad influence, the Canadian executive could not remain longer passive. The contempt now felt for the folly of McLane's attempt was at this date non-existent. There were no palliating circumstances to set his criminal attempts out of view. He suffered the penalty of the law, from the necessity of an example to those inclined to follow in his steps. I cannot agree that cruelty and injustice were shewn in his execution. His plan of proceeding to-day may be regarded as the extreme of folly, but it is plain that abler and more dangerous leaders would have appeared, less garrulous and more discreet. McLane was one of the forerunners in the province, to prepare the population to receive with favour the French sympathisers when they appeared in force. The low intellectual standard at which he is to be rated cannot be urged as an apology for his attempt. Neither can it be assumed that the design was impracticable or futile; nor can that view be adduced as an argument in his favour. The one claim that can be advanced, that mercy might have been shewn the unhappy man, is that he was of weak intellect. The universal opinion of that time appears to have been that such mercy would have been in every sense impolitic, and that the *salus reipublicae* demanded an example to deter others from similar attempts.

In 1798 a French loyalist, M. Jules Le Fer, was engaged by Liston, the British minister, to learn what plans were in contemplation to carry out Adet's designs. We may discern, in the instruments Adet selected to join his undertaking, that interest was the primary influence to which

he appealed. We accordingly meet with much gasconading, which had little basis on truth. The French agents expressed themselves convinced of the perfect readiness of the French Canadians to risk life and fortune in the cause; but there is not the slightest evidence that there was any organization or that any one person possessing influence was compromised in the agitation. The appeal to French sentiment may have made many discontented, to the extent of shewing unfriendly feeling to the government, and, no doubt, may have conveyed the impression that little reliance could be placed on them, in the event of an invasion by French troops, attended by the constantly promised fleet. The gratuitous assertion that they were prepared to take the field may be summarily dismissed. Le Fer described that the feeling he had found to prevail was the desire that Canada should be regained by France. Few, however, were willing to take up arms to join the movement. They would remain lookers-on. If success attended the invasion, to judge by what was said, they would have rallied around the invaders in great numbers.

What powers were given to Adet to make an attempt in Canada and what he was commissioned to endeavour to effect must remain a matter of doubt. The directory, it is probable, was equally without matured plans and would have been governed as chance suggested. Genet, after him Fauchet, and now Adet, represented the same principle, the desirability of repossessing Canada; and each had represented to his government the undertaking to regain the province as feasible. The French government had incessantly given encouragement to its ministers in Philadelphia, in the prosecution of their intrigues. Such action was at least hostility to a British possession. As we read events to-day, we know France had not the power to furnish the ships or the troops to carry out the promises made in the parishes by the French agents. Le Fer described the plan laid down as he became acquainted with it. The fleet would ascend the Saint Lawrence with a force of 6,000 men and 30,000 stand of arms

to be placed in the hands of the French Canadians. The landing was to be made at Kamouraska. Here the rallying point would be made, and a proclamation issued. Success, of course, was considered assured. The belief, whether felt or not, was expressed that Quebec would immediately capitulate. The British should have the option of remaining in possession of their property, on condition of becoming French citizens; or would receive liberty to depart. The French Canadians themselves were to be relieved from all the burdens of the seigniorial tenure and made possessors of their property. This was the keynote of the song of liberty promised to them. The *dîme* was to be abolished. The priest would become a totally different person and depend upon voluntary contributions. The main scheme was thus clearly traced out. One Volney had been in Albany, in the summer of 1797, directing the movement in Canada, and had returned to France to concert measures for the invasion.*

There had been likewise a plan for Canada to be assailed from the west. A general Collot, in 1796 and the following year, had been busy with the Indians, with the design of engaging them to make a diversion against Upper Canada on the arrival of the French troops in the east. The difficulty in Prescott's mind was that the only troops to meet such an attack would be the Canadian militia; for his whole force would be required for the defence of the lower provinces. The news of this design, communicated to Prescott, was made known to Russell. It caused great anxiety. Russell asked for troops, but they were not in the country, and Russell himself did not know the tribes on which he could depend from those that were considered to be in the French interest.†

Some light was subsequently thrown on the events of this time by the arrest of one M. Le Couteulx, a Frenchman,

* [Can. Arch., Q. 81.1, p. 21, 1st of Oct., 1798.]

† [Can. Arch., Q. 82, p. 28, 12th of December, 1798.]

naturalized in the United States. He was arrested at Niagara on the 7th of October, with a large quantity of merchandise, and taken to fort George. He appears to have brought a letter of introduction from the officer in command at fort Niagara, major Rivardi. On hearing of his arrest, Rivardi wrote to know why an American citizen should be detained, but colonel McDonnel, in command at fort George, explained that he was without a passport and must be held until the pleasure of the commander-in-chief was known. Le Couteulx was sent to Quebec. The opinion of the attorney-general was that he could be held as a prisoner of war. Sir Robert Shore Milnes was then lieutenant-governor. He ordered the papers of Le Couteulx to be examined, and he was placed in confinement in rooms in the jail. His letters, dated 1797, were full of bombast, but this fact did not lessen the dangerous character of the schemes in which he was engaged. Nothing, he wrote, would please the Canadians more than to see the arrival of ten ships of the line in the Saint Lawrence with 6,000 troops. There were 197,000 Canadians with French hearts that were burning with the desire for the old government of France. He recommended the introduction of forged notes into England. What was essential was that France should have a footing both in the north and south of America; at Florida and in Canada. It was precisely the policy the public men of ability in the United States opposed; they saw the mischief that might arise from such possession, and from the whole federalist party such theories received strong opposition. That this policy was entertained by Adet and his predecessors is ample proof the desire was strongly felt in France; we here have the origin of the crisis which threatened Canada. All that prevented such measures being carried out was the want of power to consummate them.

To meet an emergency which might arise in any attempt on the part of France, there were at the disposal of the government of Lower Canada but 2,034 rank and file of

the regular force, and 424 of the 1st battalion Royal Canadian volunteers, principally French Canadians. In Upper Canada there were 647 troops, composed of the Queen's Rangers and second battalion Canadian volunteers, of the loyalist population.* The unceasing feeling of serious responsibility on the part of those charged with the defence of the province can, in these circumstances, be easily conceived.

* [Prescott to Portland. Can. Arch., 81.1, p. 4, 22nd of August, 1798.]

CHAPTER II.

The last twenty months of Prescott's government were embittered by his serious dispute with the council on the subject of land grants. No principle affecting modern practice is involved in the points at issue. In that sense, any inquiry into the merits of the misunderstanding can effect no result. The subject, nevertheless, is of historical interest and furnishes its teaching, as it bears upon the relations of the governor with the executive council. Moreover, although all traces of the quarrel passed away after the arrival of Prescott's successor, for it is to be presumed parties had learned the necessity of moderation, the ill feeling it engendered at the time actively penetrated the small society of Quebec. On one side were bishop Mountain, chief justice Osgoode, with the members of the council who acted with them, and their friends. On the other, the influence of government house, at no time a slight matter in Canadian social life, was enlisted. We read in the Simcoe papers how an aide-de-camp passed in the streets the bishop's wife without the customary salutation, although he had dined at her table. A colonel on the governor's staff resigned his position and asked leave to return immediately to England. His secretary took the same course.

On the representations of Prescott, the duke of Portland, in the first instance, authorized him to carry out the recommendations he had made. Subsequently, the duke took exception to Prescott's having arraigned the motives of the council committee, and directed that consideration should be given to the views expressed by them. Finally, Portland wrote that he regretted the continual difference between Prescott and his council, and the only remedy was his retirement. It was the king's pleasure that he should

return, and by personal communication enable the ministry to decide on the measures necessary to be taken. Mr. Robert Shore Milnes, who had been appointed lieutenant-governor in June, 1798, had been ordered to proceed to Canada, while major-general Hunter was appointed governor of Upper Canada and lieutenant-general in command of the forces of the whole province.*

It would seem on the first consideration that such a letter must be regarded as a censure on Prescott. This view, however, must be modified. Although Prescott never returned to Canada, he remained the titular governor-general until August, 1807, when sir James Craig was appointed. As Mr. Milnes became a baronet in 1801, he is generally named as sir Robert Shore Milnes. Although he remained in Canada until 1805, he never obtained a higher rank than that of lieutenant-governor. The fact is of importance in judging the estimate made of Prescott's conduct by the home ministry. Previous to his departure, Prescott wrote to Portland that he would answer personally any representations made as to his conduct. He did not know what the memorial of the executive council contained, but, from what had been said of other representations, he hoped that Portland would have strong doubts of its truth. He felt assured that a full investigation as to the conduct of himself and his opponents would be granted. His own conduct had commanded universal respect; and more general content existed throughout the province than had been felt since it had been annexed to the British crown.

The lieutenant-governor, Milnes, reported on his arrival, on the 13th of June, that he had met Prescott without any unpleasant circumstance.

It is not a very easy matter to narrate the difference of view entertained regarding the grants of land. Little interest really is attached to it, but it cannot be passed over without allusion. Prescott maintained that owing to the proclamation of 1792 by sir Alured Clarke, which had been

* [Portland to Prescott. Can. Arch., Q. 82, p. 2, 10th April, 1799.]

extensively circulated in the United States and addressed to "such as are desirous to settle on the crown lands in Canada," a very large number of applications had been made, and they had been accumulating since that date. Only a small proportion of the applicants were known, but no attempt was made to determine their character. Orders were issued to the surveyor-general to lay out 150 townships, with the understanding that those subscribing to the petitions were to receive 1,200 acres, the demands of those associated with them to be left for consideration.

Several of the applicants arrived from the States, but no regulation had been laid down for administering the oath of allegiance, and the land remained unsurveyed. In consequence, several took possession of lots. The oaths were not administered until 1794. The surveys proceeded slowly, the condition being that one-half of this expense was payable by the government and half by the owners of the lots. Owing to the non-completion of the surveys, several parties became impatient and left the province. Many had entered on occupation; of this class, several sold their claims to speculators. In 1794 regulations were laid down that in a grant of 1,200 acres, two acres to the 100 must be cleared in the first three years, and five acres to the 100 in the ensuing four. These rules were regarded as satisfactory. No objection was raised against the fees; the only demand was that they should be low. Steps were also taken to secure the two allotments of one-seventh for the protestant clergy and one-seventh for the crown reserves.

The commissioners having been appointed to administer the oaths, advertisements were published which called for the names of the applicants with their associates. The commissioners were withheld from offering the oath until examination had been made as to the character of the applicant. Prescott asserts that any attempt to carry out this regulation was impracticable. In January, 1795, the time for granting the lots was limited to the 1st of August, after which date settlement would be open to demands made

from other quarters. In consequence, at the commencement of 1796 fresh applications were received. Such of the earlier petitioners as had heard that the names given by them had been rejected, presented memorials, stating they had endeavoured to comply with the government regulations. Many had been at great expense in making surveys, clearing land and opening roads; some had built mills. As of this class several had sold their claims, the purchasers petitioned for a title to the land which they had bought under these circumstances.

According to Prescott, such was the condition in which matters stood when he assumed the government. The question was referred by him to a committee of the council, and their report was laid before the duke of Portland. Prescott's solution of the difficulty was that those who had made substantial settlement should, with their associates, receive a whole township; those who had simply surveyed the lots, a half township. Those who had placed on record their applications, one-fourth of a township. The purchasers of claims to be treated according to the merit of each claim preferred. The remainder of the lots to be disposed of by sale, except in cases of reservations for the clergy and crown lands.*

To this application Prescott received authority, as a matter of expediency and policy, to carry out his proposed regulations subject to certain limitations.†

The matter in this form was brought before the council, and the view taken by the members was entirely antagonistic to the recommendations of the governor. The report of council‡ expressing these opinions is written with extreme caution and observance of official etiquette. Denuded of this paraphrase, it set forth that the council, to whom the question as to the expediency of giving public notice of

* [Prescott to Portland, 3rd of November, 1797. Can. Arch., Q. 79.2, p. 352.]

† [Portland to Prescott, 7th of Feb., 1798. Can. Arch., Q. 80.1, p. 6.]

‡ [Dated the 20th of June, 1798.]

the regulations had been referred, had formed the conjecture that some accidental omission had taken place in the representations made to the secretary of state, or that the executive government had misconceived his majesty's instructions. The directions which had been communicated to them had been framed upon the principle of giving encouragement to the very procedure which the executive council had thought it their duty to inhibit and repel. Preference had been shewn to unauthorized settlers, it being notorious that almost all the settlement had been made without title. Moreover, indulgence had been shewn to settlers on reserve lots of the clergy and of the crown. It had always formed, as it were, a common law principle of land granting to repel every attempt to acquire lands by the "robust title of occupancy." The civil commotions and open rebellion which had taken place in the neighbouring states were still remembered in Canada with horror. The executive government of the province had not stopped at the simple enunciation of this principle, but had interposed positive restraint against the system, by the proclamation of last August, which strictly prohibited such intrusion.

The new regulation acted disadvantageously in the case of those of approved loyalty who had obeyed the instructions given by government. Those who had not observed them were of the opposite class. Thus, the former received no reward for their obedience, while consideration was to be extended to the latter. The pretensions of the purchasers of claims, in the opinion of the committee, should be entirely discountenanced, on account of "their unsubstantial character, deception and fraud."

The publication of the regulations was particularly opposed, on the ground that the lawless and obtrusive portion of the population across the frontier would enter the province and take possession of the land, in their idiom, "make their pitch" on the most advantageous spots. In this way the whole crown lands would be occupied by a class without a sentiment of loyalty or gratitude.

Whether Prescott was right or wrong in his views, he had not engaged in the attempt to effect a settlement without examination of the facts, and there can be little doubt of his desire to do right and to act honestly. His character was a resolute one, and he was not easily turned from the purpose he had formed. Therefore, so soon as the report was made known, he prepared a rejoinder, which he desired should be inserted in the minutes.

It set forth that he desired a coincidence of opinion between himself and the council, but in this instance he felt compelled to support a doctrine materially different from that contained in the report. His views were founded on a mature consideration of the royal instructions of the 16th of September, 1791, and other official documents. He was in hopes that the difference of view between the council and himself would disappear, owing to the fact that the greater part of the members were not at the board at the early stage of the proceedings, and that the others possibly had lost remembrance of them. He was bound, therefore, to explain what, in his view, was the character of the regulations.

The report of 1797 concerning those persons who had obtained orders for land required no explanation.

The objections urged against the proposed regulations were that they gave encouragement to a proceeding that the executive council had thought it their duty to inhibit and repel; viz., settlement upon land without title. The regulations, however, were not based upon that principle. They had been rather framed to prevent the evils which must arise from the encouragement that had been given to this irregularity by the executive council. Owing to the representations made to sir Alured Clarke, applicants had received countenance to settle in the townships without observance of the forms prescribed: a proceeding attributable to the insufficiency of land surveyors and to the fact that it would take six months to complete the surveys ordered.

Several of the applicants from the adjoining states, after

receiving assurances of their grants, had returned home. At that date, many hundreds of industrious men were desirous of being received as British subjects; and it had been resolved that means should be adopted to prevent them leaving the province, consequent on their failure to obtain the land. Owing to the difficulty in commencing some of the surveys, it was resolved that hereafter the government should for the time pay the whole cost. It may here be remarked that half of the cost was payable by those receiving the grants.

The report of the 11th of October, 1792, shewed the encouragement which had been extended to settlement.

No inhibition had been declared until August last. He had regarded that proclamation to apply to mere strangers. Had he thought otherwise, he would not have given his consent to it. He did not conceive that those who had come upon the land had done so by "robust title of occupancy." He conceived that the legal grant should be made when there was pretension of right. It was from the clashing of these two principles that the turmoil in the United States had arisen. Other points of the report were also criticised by him. The ground taken was that applicants for land who had settled on it without legal right should be considered as intruders. He learned that, in the thirteen years since the conclusion of the American war, invitations had been given for applications for land. Many had availed themselves of it, "but during the whole length of time only one grant had passed the seal." He had, therefore, carefully examined into the matter. From the opposite character of the opinions expressed, he had laid the case before the home ministry.

In August Prescott addressed a long letter to Portland, written with his own hand, so that its contents should not be known to a clerk. He entered at length into the causes of the dispute, and expressed plainly his distrust of the members of the council. He stated that he had not been many weeks in the country before he discovered that schemes and designs had been formed with persons of

influence, for the purpose of monopolising immense quantities of waste land. It was difficult to believe that the design included townships actually settled and rendered valuable by the labour and expense of former applicants; and that such views could be entertained by members of the council. For a long period he had applied himself to the study of the question, before he had felt warranted in writing upon it. The time spent in these examinations was considered by others to have been passed in inattention to business. He had been greatly disappointed, because the chief justice Osgoode had been foremost in endeavouring to misrepresent and conceal the actual state of facts.

Prescott acquitted him of all interested motives, but described him as averse to the labour necessary for the ascertainment of truth, and as having taken for granted the representations made to him, which his flattered vanity had led him to accept. Prescott had deemed it expedient to send to the chief justice, before the meeting of the council, the draft of the minute that he desired should be entered upon the record; but the council had requested the proceedings should be kept secret. He, on the contrary, had held it advisable that they should be kept open for reference. He represented that the new regulations had obtained considerable favour, and that several parties had waited upon him from the new settlements, to tender their thanks. He had, therefore, determined to carry them out as he had been authorised to do.

As Prescott continued his correspondence, he endeavoured to sustain the view he had expressed, that several gentlemen, British with respect to language, had entered into plans for obtaining immense monopolies of lands. Several members of the council were interested in these proceedings, but not all of them. Only 1,200 acres could be granted to any one person, but patents had been generally issued to parties who had covenanted to cede them back on payment of $6.00, $8.00 and $10.00, in some instances to receive 200 acres free of charges. Explorers had been sent to

examine the land, and people employed to obtain signatures to applications. The new applicants for grants were not farmers. Some few were men of property, but mostly they were clerks and of different occupations; many known not to possess means of paying the land fees, who had lent their names. Prescott enclosed documents to sustain his representation.*

The members of the council who considered themselves assailed likewise sent their memorial to Portland, sustained by extracts from the proceedings.† This document set forth that the governor had assumed arbitrary power and had exceeded his authority. He had brought forward vague and general charges against the council, which, had they been advanced by an individual, would have made him amenable to the law. The council in the minutes, and likewise in a printed pamphlet, had been charged by him with deceit and falsehood. As they had been accused in the minutes of foul practices and dishonesty, in all probability they would be so accused in another printed pamphlet. They claimed that the accusation should be supported or repelled, and asked that an inquiry be made into their conduct; and that the king would give them relief against such intolerable calumny. Especially, that he would order this memorial to be inserted in the books of the council.

On receipt of these contradictory statements so vehemently expressed, Portland wrote to Prescott in a tone which could not have been satisfactory, and shewed plainly that there was no intention of sustaining him with regard either to his opinions or his policy. In an official letter Portland pointed out that unity in the council was necessary to the interests of the province; that there were circumstances of a local nature with which as minister he was unacquainted, but he conceived that the whole correspondence should be laid before the council; and thus informed, the council,

* [Can. Arch., Q. 80.2, p. 277. Prescott to Portland, 13th of August, 1798.] (Separate and private.)

† [Can. Arch., Q. 83, pp. 306–330, 5th of January, 1799.]

while observing the general principles of the regulations, might modify them as circumstances required. Portland likewise wrote confidentially to Prescott, dwelling upon the bad effect which difference with the council would create. He appealed to the good sense, integrity and zeal of Prescott to exert himself in re-establishing union with its members and in regaining the assistance of the chief justice. Portland wrote with high appreciation of Osgoode, adding that Prescott could not render a more acceptable service than by uniting with him for promoting the welfare and prosperity of Canada.*

Monk, in August, wrote to Dundas his account of the dispute. He pointed out that when the instructions had been received to carry out Prescott's recommendations, the council had objected to the publication of them, on the ground of the inconvenience that would arise. The governor had withdrawn his confidence from the chief justice; a new secretary had become his sole adviser, and Prescott had declared publicly that he would no longer ask the advice of Osgoode. The governor recommitted to the consideration of the council the mode in which the regulations should be made known, in Monk's view, in a tone of reasoning severe and impolitic. The governor would not accept the advice he had received. He attributed to interested motives the opposition he met with, and had formed the opinion that the council had failed in its duty to the government. Accordingly, he had made public the proceedings of the council, together with his instructions from the colonial secretary. What must appear the more objectionable, the step was taken while the subject was under discussion with the council. The belief had arisen that Finlay, Dunn and Baby had an improper interest in the grants of land. The bishop, on the part of the governor, had submitted for the perusal of the council the documents received from the secretary of state, on the condition that no

* [Can. Arch., Q. 80.2, p. 423. Portland to Prescott, 11th of Oct., 1798.] Ib. p. 435. (Private and confidential.)

allusion should be made to them in the report of the council, an offer which the council declined. The governor, through the bishop, had demanded that this offer of conditional information should not appear in the journals. The request was refused, but the bishop's application was not entered. The bishop, in the first instance, had retired from the committee. Subsequently, he had changed his mind and became a strong supporter of the report of the council. Monk had objected to the report introduced by Osgoode, and suggested some change. This view was not accepted. Amendments, however, were made to the first report and were carried by a vote of five to three.*

The conclusion of the report contained some plain speaking on the part of the council. "The committee beg your excellency to reflect, that should his majesty's executive council be degraded in the public esteem, the contempt of the king's government will have but one stage further to complete its progress. Being conscious, therefore, that it imports his majesty's interests as well as their own feelings, that the opinions of the executive council should be entitled to some attention, they humbly request your excellency, that regard may be had to this consideration in all future directions; that the committee may assemble with confidence in discharge of their duty to the king, without being reduced to the painful necessity of concerting measures in support of their own dignity."

The council took means to vindicate themselves in London. On Mr. Ryland's resignation as secretary to the governor, he obtained leave of absence as clerk of the council, nominally, to better his own position. He carried with him letters of introduction to people of influence, from Osgoode and bishop Plessis. He was, likewise, the bearer of letters from "gentlemen in Canada," which were delivered by him to King, the under secretary. Some of his letters, he states, he had thrown overboard when the ship on which he had

* [Can. Arch., Q. 81.2, p. 649. Monk to Dundas, 14th of August, 1798.]

taken passage was captured by "The Gironde." As events shew, the letters he delivered were not without their influence.

Prescott's last parliament met on the 28th of March, to be prorogued on the 3rd of June. It was in this session that Prescott announced that money would be advanced by the imperial government, to be replaced as the provincial parliament should deem expedient, for the construction of court houses in Montreal and Quebec. During the session amendments were also made to the road acts, to satisfy the opinions of those directly interested.

No sign is apparent in the proceedings of the legislature of the unsatisfactory relations between the governor and the council. In April, Prescott had written to Portland that the danger apprehended from the differences between himself and its members had no existence. The want of concord had, however, become so entirely objectionable to the home government that in April Prescott was summoned home to make personal explanations, as has been said, and the lieutenant-governor of Lower Canada and the officer in chief command, general Hunter, were ordered to proceed immediately to the province.

Both arrived in Quebec on the 13th of June, 1799. Hunter wrote to Portland that, not being able to be present at the prorogation of parliament in Upper Canada, he had thought it advisable to remain at Quebec until Prescott left for England. Prescott had named the 25th of July as the day he would sail.

As soon as the proposed departure of Prescott was known he received addresses from all parts of the province, from Quebec, Montreal, Three Rivers, Chambly, William Henry and other places. They were numerously signed, alike by the British and French Canadians of all classes. Of his wide popularity there can be no doubt. Christie, in his history of Canada, and he may be regarded almost as furnishing contemporaneous evidence, describes him as having left the province "with the universal esteem and regret of the inhabitants, receiving the most gratifying proofs of their

high estimation of his conduct in the administration of affairs." * Christie does not enter into the merit of the dispute, as when he wrote interest in it had passed away. He simply tells us that Prescott "had experienced some misunderstandings with his executive council relative to the disposal of the crown lands, in which it has been generally believed that those gentlemen were not altogether personally disinterested, and which it is said occasioned his recall. He was universally deemed an upright and honourable man, much respected by all classes and popular as a governor."

While Milnes, four days after his arrival, had stated that no unpleasantness had taken place with Prescott, Hunter, a month later, in a private letter to King, the under secretary, the day before Prescott's departure, wrote that he had not previously known Prescott, but if he was to judge of him from his behaviour since his arrival, particularly his conduct to Milnes, he would not hesitate a moment to pronounce him mad. †

Some light may be thrown upon Hunter's statement by the letter of Prescott to Portland, written in July, that he had sent written instructions to Milnes with a schedule of documents. These had been returned by Milnes unopened.

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* Christie's History, Vol. I., p. 203. The first volume of this history was published in 1848, within half a century of the events narrated. Robert Christie was born at Windsor, Nova Scotia, in 1788, so he was eleven years old when these events happened. Changing his residence to Gaspé, he was elected member for that county in 1827. For many years he lived in close intimacy wirh the men prominent in political life at Quebec. The opinion he has expressed may be accepted as that which was current in the circles in which he moved, and in my humble judgment cannot be rejected.

† [Can. Arch., Q. 286.2, p. 494, 24th of July, 1799.]

I do not attach any weight to this remark of Hunter. There are not many recollections of him, but those of his sayings which have been preserved suggest that he indulged in such hyperbole. Thus, he wrote privately to King [Q. 286.2, p. 424, 27th of October, 1799] that "Russell, had it depended upon him, would have granted lands to the Devil and all his family, provided they could have paid the fees." Dr. Scadding, in his "Toronto of Old," pp. 478–480, gives some instances of his abrupt manner. It is, however, possible, from the two being general officers, that Prescott may have spoken to Hunter unreservedly, and have acted in some respects in his presence without proper self-restraint.

Copies of these papers Prescott sent to Portland, stating his intention to leave with Milnes all the public papers, together with the documents he had returned, On his part, Milnes wrote to London, explaining that he had declined to take the question of the land grants into consideration on the governor's statement, or to give any opinion regarding it. One fact is plain, that the despatches of Prescott to Portland evince considerable ability; and that they were written by himself unaided, we have his own declaration.

Prescott arrived at Deal on the 15th of September. His first demand was for an investigation of his conduct.

We again hear of him in August, 1801, when he addressed lord Pelham, enclosing a copy of his letter of November, 1799, to the duke of Portland, stating that the investigation he had asked for had not been held, and he renewed the request that it should be made. He expressed his readiness to return to his government.* There is no record to shew that any proceedings were taken. For the following six years Prescott remained in the undisturbed possession of his allowance, £2,000 a year, until the end of August, 1807. On the 6th of that month lord Castlereagh wrote that it was the intention to send an officer to succeed him in his government, and he trusted that he would see in its true light the necessity of an arrangement which would interfere with his emoluments.†

* [Can. Arch., Q. 87.1, p. 167, 2nd of August, 1801.]

† [Q. 104, p. 147, 5th of August, 1807.]

CHAPTER III.

Milnes took the oath of office immediately after his arrival on the 15th of September, but, as lieutenant-governor, he did not assume the duties of office until the departure of Prescott, which did not take place until the 25th of July. On the previous day Prescott officially sent to London the minutes of the council. Ryland, who, as secretary to Prescott, had resigned his office, accompanied Milnes to Quebec, resuming his position. He was a man of ability and possessed energy even to restlessness, but his prejudices were extreme, so that they interfered with his usefulness. He obtained prominence during the government of sir James Craig; and even at this earlier date took an active part in politics. The biographies of Ryland represent that he was born in Northamptonshire. In 1781, when but twenty-one, he was sent to New York in the paymaster's branch of the army. He was attached to Cornwallis' command and was present at the surrender at Yorktown. Ryland's ability attracted the notice of lord Dorchester, who became his patron, and in 1786 he accompanied Dorchester as private secretary to Canada. The correspondence of the day shews the influence he obtained, which modern criticism cannot accept as wisely exercised.

We learn from Milnes that it was by Ryland's suggestions he applied for "some compensating rank,"* as he had none in the army; that where etiquette prevailed there was necessity for some official distinction, either the red ribbon or that of the baronetage.

As has been stated, the baronetage was conferred in 1801. Another point he brought to the notice of the home government was the insufficiency of his pay and allowance.

* [Can. Arch., Q. 82, p. 284, 17th of June, 1799.]

Although the cost of living had been much less in his day, lord Dorchester had expended £5,000 a year without undue extravagance; and sir Alured Clarke had been compelled to expend £300 of his private income to sustain himself in his position. Milnes pointed out to the duke of Portland the necessity, on the part of the governor, to keep up an establishment, and that it was by the exercise of hospitality he should endeavour to create good and kindly feelings, as far as it was possible to do so between political opponents.* It is a theory not to be lost sight of in modern times. There should, at least, be one spot where party rancour will be perfectly dormant, where, to speak plainly, the standard of good manners and high-bred self-restraint may be maintained, and the courtesies of life be met in their most pleasing aspect.: where there is a truce to selfishness and political intrigue, and social amenities are enlisted to bring into companionship men who would otherwise never meet. No governor-general in Canada would be favourably looked upon if he made a purse out of his *honorarium;* but certainly it is the height of folly to suppose that he is called upon to expend his private fortune in the interest of the dominion. If the governor-general is to-day expected to perform his duty worthily, in the face of the five millions whose fortunes he has to safeguard, he must be treated in no petty, beggarly spirit. It would be an unworthy act on the part of the dominion to impose a niggardly limitation on the generous and efficient performance of the duties and obligations of his office. Any such unwise retrenchment is poor economy. No one can desire to see the toleration of waste and reckless expenditure on the part of the dominion. It is, however, politic and right, that a just and fair consideration should be given to the manifold exactions of the governor-general's position, and that it should be acted upon liberally.

It was the view taken by the imperial government, for

* [Can. Arch., Q. 83, p. 211, 10th of Sept., 1799.]

in January, 1800, Portland informed Milnes that his salary would be £4,000 from all sources.*

Mr. Christie has preserved† the amount of official emoluments of the time. The legislative councillors had an allowance of £100 sterling. Mr. Ryland received £400 as clerk of the council and £200 as secretary to the governor, his income being considerably augmented by fees. The chief justice of the province, £1,200 sterling, nearly $6,000, which remains the amount in modern times. The chief justice of Montreal, £900; the puisne judges, £500; the judge at Three Rivers, £300; at Gaspé, £200; the judge of vice-admiralty, £200; the secretary and treasurer, £400; the attorney-general, £300 and fees; solicitor-general, £200 and fees; receiver-general, £400; inspector-general of accounts, £365; surveyor-general of lands, £300; surveyor-general of works, £200; French translator, £200. The fees received by several of these offices were considerable in amount. The office of grand voyer of the province, a sinecure, was held by M. Charles de Lanaudière. The pay was £500. The last named amounts, I understand, to be given in currency.

From what we can learn of sir Robert Shore Milnes, he was the son of a magistrate and deputy lieutenant of the West Riding of Yorkshire, and was born in 1746. He entered the "Blues," and after some years' service retired from the regiment. Subsequently, he was appointed governor of the island of Martinique and gained credit by the skill with which he conducted the finance of the island. He had resigned his appointment owing to ill-health, and it was from his successful administration of this government that he was nominated to Canada.

In applying for leave in 1803 he enclosed a letter received in 1795, when governor of Martinique, from Portland, in which the duke hopes he will not endanger his life by continuing in a climate so injurious to him. The letter expressed the entire satisfaction of the king and ministers with his

* [Can. Arch., Q. 84, p. 1.]

† [History, Vol. I., p. 201.]

whole conduct, and claimed the right to his services when occasion demanded.

One of his first duties was the settlement of the land question. In August, 1800, he wrote that the examination of the petitions had been made and the applications reported upon. Thus, the most difficult and laborious part of the examination was brought to a close. It had not been possible to satisfy every petitioner, but the proceedings submitted to him had been marked by strict integrity. As there was no further public expression of dissatisfaction, this statement may be accepted as the termination of the dispute.

One of the parties prominent in this unpleasant matter was shortly afterwards involved in difficulty. Finlay, the postmaster general, being behindhand in his payments to the imperial government to the extent of £1,500, was unable to meet his indebtedness. From what appears in the correspondence, it may be inferred that he had with the government money entered largely into land speculations. He was accordingly removed from his position, and in August, 1802, Heriot was appointed to succeed him.*

News having reached Canada of Nelson's victory of the Nile, on the 1st of August, 1799, in which admiral Bruey's flagship "L'Orient" was blown up and nine of thirteen ships of the line were destroyed or captured, a public day of thanksgiving was named. The Roman catholic bishop, Denaut, issued a *mandement* that a solemn mass on the 10th of January should be performed and a *te Deum* chanted.†

Steps were also taken to procure voluntary subscriptions to

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* Heriot is remembered by his "Travels through Canada, &c., &c.," published in 1807, which contained a map and many illustrations, and still remains of value. The geographical descriptions in the second part will always be read with interest.

† The following passage can to-day be profitably read: "Messieurs les curés ne manqueront pas de prendre occasion de cette fête pour faire sentir vivement a leurs paroissiens les obligations qu'ils ont au ciel de les avoir mis sous l'empire et la protection de sa Majesté Britannique et les exhorter tout de nouveau à s'y maintenir avec fidelité et reconnaissance." [*Mandements*, Vol. II., p. 517.]

carry on the war. In June, 1798, some members of the house of assembly, then in session, formed the view that it was desirable that a vote of the house should be obtained for the sum of £20,000, as a contribution from Lower Canada; the money to be raised by a special duty on imports or by some other tax. The most prominent in the movement were Sewell, the attorney general, Young and Grant, of the executive council. It was proposed that the gift should be accompanied by an address, setting forth the attachment of the inhabitants to the form of government and the determination to defend it. On consulting with several of the members, the proposition seemed feasible, and it was agreed that the attorney general should submit the proposition to Prescott. The governor, however, declined the offer, stating that he did not think it expedient to encourage the proposal. No reasons were assigned by him. It is probable, however, that he by no means felt assured that opposition would not be experienced: a consequence which would seriously have affected the character of the gift.

Although the course suggested in this instance was not accepted, it was determined to carry out the principle in another form. In May, 1799, a meeting was held at Dillon's tavern, Quebec, to open a public subscription in aid of carrying on the war. The example was followed at Montreal, Three Rivers and Sorel. The subscription lists were kept open during the year 1800, money being sent home from time to time, as it was collected. The total amount received was £8,382 9s. 5½d. ($33,529.89). There were 321 names. The subscriptions of Three Rivers, Sorel and Saint Geneviève are given in bulk. Of this number ninety-four engaged to give yearly contributions during the war. There were about 123 parishes; thirty-seven of the *curés* were contributors to the fund.*

In 1799 steps were taken for building the cathedral of Quebec. Owing to the earnest representations by bishop

* The lists are given, Can. Arch., Q. 83, p. 154 and Q. 87.2, p. 422. The subscriptions are thus set forth:

Mountain of the depressed condition of the church in Canada, the duke of Portland wrote to Milnes that he recognised the necessity of erecting a metropolitan church, and authorised the appropriation of the site of the late Recollet church for the purpose and the annual expenditure of £400. A com-

	£	s.	d.
Quebec	2,834	10	8
Three Rivers	107	10	0
Sorel	85	10	10½
Montreal	4,673	2	9
Sundry sums	244	5	2
Supplemental, 2nd June	437	10	0
Total	£8,382	9	5½ currency.

I venture to preserve some of the names, from the liberality of the subscriptions, and owing to the modern interest they still possess, the descendants of several of the donors being still known. Many could be added if space permitted.

	£	s.	d.
Bishop Mountain	300	0	0
Chief Justice Osgoode	300	0	0
Sir G. Pownall (100 guineas)	116	13	4
Henry Caldwell	300	0	0
Wm. Burns	20	0	0
The Seminary of Quebec	50	0	0
J. A. Panet	30	0	0
Thos. Dunn (60 guineas)	66	13	4
Peter Beatson	23	6	8
Juchereau Duchesney	20	0	0
Le Coadjuteur, Bishop Plessis	25	0	0
G. Ely Taschereau	10	0	0
Taschereau, curé de St. Croix	5	0	0
Thomas Taschereau	5	0	0
Louis Dunière	23	6	8
Rev. Francis de Montmollin	10	0	0
Monroe & Bell	100	0	0
Thomas Aston Coffin	111	2	2
Rev. Salter Mountain	50	0	0
Alexander Sparks	10	0	0
Judge de Bonne	50	0	0
Lymburner & Crawford	50	0	0
Jacques Panet, curé of L'Islet	25	0	0
The Seminary of Montreal (and £300 a year during the war)	500	0	0
Ignace Gaspé	10	0	0

mission was appointed on the 11th of November to carry out this intention. It consisted of the bishop and the Rev. Salter Mountain, representing the clergy, and chief justice Osgoode and sir G. Pownall, on the part of the laity. The colonial secretary had expressed his belief that private

	£	s.	d.
John Craigie	55	11	1
John Blackwood	22	10	0
Felix O'Hara	27	15	0
Jonathan Sewell	25	0	0
Père Cazeaux	25	0	0
McTavish, Frobisher & Co	1,111	2	3
James and Andrew McGill	333	6	8
Forsyth, Richardson & Co	222	4	5
Isaac Winslow Clark	30	0	0
Leith, Jamieson & Co	111	2	3
Louis Charles Foucher	25	0	0
Isaac Tod	111	2	3
Parker, Gerard & Ogilvy	116	13	4
Isaac Ogden	10	0	0
P. R. St. Ours	20	0	0
Joseph Hébert	4	0	0
Grant & Laframboise	12	10	0
Richard Dobie	100	0	0
James Dunlop	111	2	3
Major St. Ours	20	0	0
De Lotbinière	20	0	0
Père Panet	25	0	0
J. P. Leprohon	10	0	0
P. A. de Boucherville	10	0	0
John Molson	25	0	0
François Desrivières	25	0	0
William Robertson	100	0	0
S. de Beaujeu	10	0	0
Auldjo, Maitland & Co	200	0	0
David Alexander Grant	100	0	0
Robert Jones	10	0	0
Logan & Wall	23	6	8
Josiah Bleakley	10	0	0
Robert McKenzie	10	0	0
Christopher Sanguinet	6	0	0
Peter Pangman	10	0	0
Subscriptions from Three Rivers	50	12	8
" " Saint Geneviève	38	0	3
" " William Henry (Sorel)	29	17	2½

subscriptions would be contributed. Milnes wrote that no such result could be hoped for and, with the allowance granted, it would take twelve years to complete the edifice. An increased expenditure was therefore authorised, and the cathedral was completed for consecration in 1804. The total cost of the edifice was about $80,000.

In 1802, the commissioners petitioned that the practice hitherto observed on the erection of a church in the old provinces should be followed in this case: the presentation by the king of the communion-plate, altar-cloth and bible, and books of common prayer for the governor, lieutenant-governor, the members of the privy council and for the pulpit. A reply was received that the king had complied with the request and the treasury had been desired to carry out the royal instructions. It seems difficult of belief that seven years were to elapse before the plate was delivered. The order was given in 1802 to the well known silversmiths, Rundell & Bridge, and in 1803 the chalices had been made. The plate was delivered in Quebec only on the 2nd of November, 1809. No explanation was ever given for this astounding delay, for which the colonial office was responsible.

In 1802, on the application of the congregation of the Scotch church, a site was granted within the walls on the land that had formerly been a part of the jesuit college grounds. A similar concession was made to the *congrégation de Notre Dame* on the petition of Mgr. Plessis.

A case of the expulsion of a member took place in 1800; one Charles Baptiste Bouc, the member for Effingham, had been convicted in Montreal of conspiring to obtain money under false pretences and sentenced to imprisonment and fine. The case was brought before the house, and after consideration of the facts Bouc was expelled. On a new writ being issued, the solicitor-general offered himself as a candidate. The *curé*, however, took an active part in the election, and so exerted himself in favour of Bouc that the expelled man was again returned. The *curé* on the occasion actually performed high mass in the parish church,

as an act of thanksgiving "for the re-election of this martyr." * The man was, however, again expelled and eventually disqualified by act of the legislature.

As Prescott was leaving Canada, a letter was received from Portland, forwarding documents which granted to lord Amherst the jesuit estates, with instructions that the deed should be passed under the great seal, in order that the king's intentions could be carried out. Instructions were given that the law officers of the crown should be consulted to reconcile the alterations of tenure. † The matter was left for Milnes to act upon. Milnes replied, in January, 1800, ‡ that the council recommended the suspension of the order until the documents had been submitted to the home government. On all sides dissatisfaction was felt. Milnes did not fail to state the extent, as he had been assured, of the unpopularity of the proposed measure, and he dwelt upon the mischievous consequences which would arise from it. The view in the province was that the estates could only be applied to the purposes of education. Milnes drew the attention of the colonial office to the fact that, on the suppression of the order in France, this principle had been enunciated and had been also applied to the French colonies, and that the inhabitants in Canada trusted that their rights in this respect would be equally recognised by the British government. Milnes took advantage of the opportunity to direct attention to the deficiency in the province for extending higher education. From the want of proper institutions of this character, parents were compelled to send their children to the colleges in the United States. So deficient was the provision for education that, on a vacancy taking place in the council and in the higher offices, he expressed the opinion that it would be difficult to find native Canadians with the proper qualifications to fill them. He suggested, that

* [Lieutenant-governor Milnes to duke of Portland, 1st of Nov., 1800. Can. Arch., Q. 85, p. 228.]

† [Can. Arch., Q. 82, p. 4, 13th April, 1799.]

‡ [Can. Arch., Q. 84, p. 47, 31st January, 1800.]

only a certain portion of the estates should be granted to Amherst. In the meantime, he would take over the property, making a fit allowance to the surviving jesuit priest.

The council likewise made a report on the subject, the resolutions of which Milnes embodied in a despatch. He forwarded also the reports of the law officers of the crown, and petitions from the French Canadian and the English-speaking inhabitants, praying that the estates should be applied to the purposes of education. In February, Milnes reported that for a considerable period the jesuit estates could bring in only £3,400 a year. Consequently, he considered it expedient to withdraw his proposition for the division he had recommended. The true value of the estates would be known when they were taken in possession. He again submitted for consideration the impolicy of the intended grant.

It is particularly worthy of notice that, during the whole of this investigation and in the periods when the subject was discussed, no single person, lay or ecclesiastic, preferred the claim that the estates belonged to the jesuits as an order. All consideration of the jesuits in that respect was ignored, as if they had never existed.

The subject came before the assembly, which had been called for the 5th of March. Mr. Planté moved that the house resolve itself into a committee to obtain information concerning the rights of the province to the estates. Mr. Young, one of the executive council, from his place in the house stated that with the advice of the council the governor had given orders to take the estates in possession. The committee, nevertheless, continued its proceedings and voted an address for the production of the documents that gave information on the subject, particularly the report of the 30th of June, 1789, made by the commission, issued by lord Dorchester the 29th of December, 1787.

Milnes replied in an official message that the papers had been laid before his majesty, and that he had given orders to take possession of the property. Should the

assembly persist in their proposed investigation, he would comply with their request; but, doubtless, the house would deem it incumbent on them to consider whether it was consistent with that respect which they had hitherto uniformly manifested towards their sovereign, to reiterate any application on the subject. Although a motion was made to take into consideration his excellency's answer, the house resolved to postpone any further proceedings.

While these events were happening, father Cazot, the last of the jesuits, died,* so all question of claim on the estates by a religious body passed away. Cazot left a will, bequeathing his personal property and making donation of the church plate which had remained in his possession. The will was unhesitatingly recognized as it affected the private legacies; and Milnes recommended that the distribution of the church plate should be also observed.

The deficiency of the means of higher education was thus earnestly brought to the attention of the home government; and it may be surmised that the proposed diversion of the jesuit estates to the benefit of Amherst was no little a prompting motive. Bishop Mountain, in October, 1799, had addressed the lieutenant-governor on the subject, and his letter had been referred to the council. The bishop, in dwelling upon the necessity of having recourse to the colleges of the United States, when the desire prevailed of obtaining a proper education, pointed out that it was not in these institutions youth would receive the early impressions of devotion to British interests and loyalty to the government. There was a respectable school at Quebec, where Latin and mathematics were taught, for which he asked some protection from the government, that its usefulness might be increased.

Not only were grammar schools necessary for the education of young men destined for professions and to take part in public affairs, but a more humble and equally important class called for consideration, that of the country

* [12th March, 1800.]

population, of whom the girls alone received any instruction. The incapacity of the French Canadians to speak or understand English constituted them a race apart, so that in the province there were two peoples. Bishop Mountain proposed to place in the cities and large villages English masters, by whom English should be taught gratis. The council recommended the adoption of this plan.* Milnes sustained the views of the council, recommending the endowment of the schools from the crown lands and from "whatever may be reserved from the jesuits estates." He dwelt upon the popularity of the measure, and he instanced the general want of knowledge of English by stating that "there are but one or two English members in the house of assembly who ventured to speak in the language of the mother country, from the certainty of not being understood by a great majority of the house."

Portland, in acknowledging Milnes' letter, sustained the views of bishop Mountain, and suggested that crown lands should be appropriated to the establishment of the schools.† Concerning the jesuits estates Portland was silent. In consequence of this despatch, Milnes sent a message to the house, to the effect that his majesty had signified his intention to set apart a portion of the crown lands for the establishment of free schools, to instruct children in useful learning and the English tongue. A bill was introduced for this purpose, and also for "the incorporation of the Royal Institution for the Advancement of Learning."

No advantage resulted from this act, which remained upon the statute-book until the union of the provinces, to exercise little influence. No lands were ever appropriated, but its purpose was kept in activity by money grants from the assembly. The project never received countenance from the Roman catholic hierarchy, from the fact that the direction of it was controlled by protestants, with bishop Mountain placed at the head. There is no principle

* [Ryland papers, Christie's History, Vol. VI., p. 38.]

† [Ib., pp. 48–50.]

to which the Roman catholic clergy more pertinaciously adhere than the power to control the education of youth. At the present day the right of separate schools is still urged with all the strength that can be gathered, not only in the dominion, but likewise in the United States. There is no want of desire with the hierarchy to establish a high order of education, but it is on the condition that they control it.

In 1801, the bill was passed for removing the old walls which stood round Montreal. The act itself is a proof of the respect entertained for private rights by the constitution of the empire. The fact became established that when these walls were constructed in 1724 the land had been ceded by the company of New France and by private individuals without indemnity; on the principle that if the walls were demolished the ground should revert to the representatives of the original owners. Commissioners were appointed to superintend the demolition; the right of re-possession being affirmed to all whose claims could be established on examination by the court of king's bench.

The subject had been brought before the house in March, 1797, by a message from Prescott. He enforced the necessity of preventing by prevision all strife and litigation regarding the ground to be ceded, and he suggested that, as the occasion admitted the introduction of improvements for the salubrity and embellishment of the city, the newly obtained ground should be considered with this object. It was not until 1817 that all traces of the old fortifications were removed.

At the close of 1800 Milnes made an elaborate report of the condition of Canada. He explained the tenure of land and the position of the government with regard to the Roman catholic clergy, the whole patronage of the church being in the hands of the bishop, to whom alone the clergy as a body deferred. He described the depressed character of the seigniors as a class; "very few of them on their own territory have the means of living in a more affluent and imposing style than the simple *habitant*," and scarcely

any of the number had interest to ensure their own election or that of any one to whom they gave their support. The consequence was that the uneducated *habitant* has even a better chance of being nominated, though he cannot perhaps sign his name, than the first officer under the crown."

Milnes estimated the population at 160,000, from which the Canadian militia was drawn, between the ages of sixteen and sixty. The number so returned was 37,904. The cost of military occupation in the country was £200,000; the average deficiency of the civil revenue was annually £12,000.*

* This despatch is given in full in the Archive report of 1892. [Appendix, pp. 9-14.] It is worthy of attention. The opinion expressed concerning the house of assembly of the last years of the eighteenth century will be read with the greater interest, that Milnes foresaw the difficulty inseparable from the establishment of a representative assembly denied influence in the direction of the policy of the province. It was only after forty years of the dreary officialism of the Quebec bureaucracy, that the true remedy was found in the establishment of a government responsible to the vote of the lower house. Milnes wrote: "But there is another Consideration of perhaps greater importance than any above mentioned. Could such an Influence be obtained throughout the Province by means of the Priests and the Captains of Militia, as I have ventured to look forward to, that Influence when fully established might also be employed so as at all Times to ensure a Majority in favour of the Government in the House of Assembly and to secure the election in that House of such men, as from their Education and knowledge of Business are most likely to see the real Interests of the Province in their true light, and not to be deluded by the fallacious arguments of any popular speaker from giving their entire support to the Executive Government. The defect of such an Influence over the Elections lessens the respectability of that Assembly in a very great degree, and particularly as from the absolute want which has so long existed of the means of Education, and the inability of the Canadians to support the Expense that would attend sending their sons to the Mother-Country for that purpose, there are at present scarcely any rising men, and but few men of Talent among the Canadian Gentry.

"From this and other Causes the Business of the House of Assembly is transacted with so little system, or regularity, that the oldest members are sometimes unable to form a judgment of what is likely to be the Result of their deliberations on the most common subjects.

"While a due Preponderance on the side of Government is so manifestly wanting in the Assembly, it is considered by the well-wishers of Government as a fortunate circumstance that the Revenue is not equal to the Expenditure, and Your Grace will immediately see the necessity on this account of preserving,

In 1803 bishop Mountain wrote at length on the religious question. His letter, addressed to the lieutenant-governor, was forwarded to lord Hobart, lately appointed colonial secretary. The bishop's letter was characterised by great moderation and care. The purport really was the advisability of establishing the church of England in the province, the opportunity for which would soon be lost. He had no desire that the Roman catholic clergy should be deprived of any of the privileges which had been liberally conceded to them, with the free exercise of their worship. The consideration he suggested was whether the bishops of that church should be continued in the high state of dignity they claimed, to the abridgment, as bishop Mountain conceived, of the status of the English church.

Lord Hobart replied that it had not been judged expedient to recommend that any question should be agitated which might excite differences between the religions. It was extremely desirable that the bishops should abstain from acts that might produce a common uneasiness or create irritation in the minds of the clergy or the professors of either creed. Milnes was instructed to signify to the Roman catholic bishop the impropriety of assuming new titles or the exercise of any additional powers. The question of the establishment of the church of England was suspended until a more favourable opportunity presented itself.*

The point arose, during the government of Milnes, with regard to the position of the Roman catholic bishop in Canada and his relation to the government. The bishop was then Mgr. Denaut, who had been named coadjutor on the death of Mgr. Bailly, in 1794. Denaut was personally in all

in appearance at least, that disposition in a greater or less degree, as there is no reason to apprehend that in case the Province could be induced to tax itself in a degree equal to the calls of the Executive Government, the Right of Regulation and Control over the whole would probably be aspired to by the Assembly, which could not fail of producing the most injurious consequences to the Colonial Government, rendering it from that moment dependent on the will of a popular Assembly."

* [This correspondence is given in Arch. Report, 1892, App. 16, 23.]

respects acceptable to the government. In 1775 he had been the *curé* of Longueuil and had given many proofs of loyalty during the occupation of the province by the congress troops. We learn from a letter of bishop Denaut that the income of bishop Hubert was but $1,400; of this limited amount he offered his coadjutor $400. Denaut accepted the allowance, on condition that the money should be paid only when asked for. Such, indeed, was Denaut's disinterestedness that he sent to Quebec, from his own narrow means and what he could collect, 800 *livres* ($160) towards the maintenance of the French priests who had lately reached Canada. On the resignation of bishop Hubert in 1797, bishop Denaut was installed in full authority, Mgr. Plessis being appointed coadjutor. At this date Plessis was a young man, for he was born only in 1763, but he was recognised as possessing great ability, and distinguished by many attainments.

There was a desire on the part of the lieutenant-governor and some of the members of the council to induce the higher clergy of the Roman catholic church to act in accord with the executive. This feeling had its root in the condition of the house of assembly, which was giving indications of entering upon the line of policy it subsequently followed: the attempt to control the expenditure and, as a consequence, the affairs of the province. There was dissatisfaction felt at the limited power possessed by the assembly; and the feeling was gaining strength that the house, whatever the expression of the majority, was unduly restricted in its influence. It cannot be said that this feeling was generally entertained by the French Canadian population, accompanied with a defined view that changes in the constitution were imperative to meet the public sentiment. The discontent was vague and ill defined, and took the form of non-compliance with the views of the government, rather than of acting in opposition to it. These opinions were more strongly entertained by the men in prominence. One cause of dissatisfaction had its origin in the fact that the incumbents of public offices had hitherto been appointed in London, and there was

no expectation of the selection of any native Canadian for these duties. But in the twenty years succeeding the peace there appears to have been little effort among the seigniors to obtain prominence, except in rare instances. The complaint in letters of the day is that they were without energy and made no effort to obtain the political rank to which they might justly have aspired.

Few of them gave evidence of any desire to embrace a military life in the incorporated battalions lately raised. Those of the wealthier families who had obtained the education possible at the colleges of Quebec and Montreal had entered the professions of law and medicine, while the notarial calling also offered to them a certain field. The main chance of distinction, however, was the church. One of the chief causes of the disciplined power of the Roman catholic church is the avenue it opens to ambition and ability. It is no question of family influence which suggests the selection of the individual for the first openings to distinction. The choice is determined by the reputation for capacity acquired by the individual, and the power he has possessed of creating belief in his future usefulness. The *curés* were commencing to obtain influence in politics, much of which was exercised in a direction not to aid the policy of the government. Serious thoughts were therefore given to divert this power to the support of the executive, and it was conceived that it could be effected by leading the bishop to submit for confirmation to the crown the appointment of every *curé*.

For this purpose a meeting was held in 1805 between attorney-general Sewell and the suffragan bishop Plessis. A dramatic account has been preserved of the interview, conducted on both sides by ability and temper. Bishop Plessis must always occupy a distinguished place in the Canadian Roman catholic church. He was one of those churchmen who, from time to time, appear in history, who, without fanaticism and with no outward appearance of effort, advance the interests of their church to unlooked-for power and influence. He has justly been called the greatest prelate that Canada has

produced. Some Roman catholic writers except M. de Laval, but to the historical student Mgr. Plessis rises to a far higher level, for he had neither his narrowness of view nor his persecuting spirit. He lived, indeed, in a different age and in different circumstances, and hence in no way resembled the first possessor of the see. Nor did he, like M. de Laval, belong to a family of the provincial nobility. He sprang from the upper working classes; his father was a prosperous blacksmith, whose circumstances permitted his son to obtain the best education the province offered. In no period of his life did he shew deficiency in any branch of knowledge or in any attainments necessary to his calling. He is described as the father of Nicolet college, where he instituted classical training, and for which he subsequently obtained a royal charter. The primary schools of Quebec were also founded by him. His name will frequently appear in the subsequent chapters of this history, always to be mentioned in the language of respect.

The object of the lieutenant-governor in seeking this interview was plainly political. Sewell recognised the duty of providing a suitable episcopal income, for the bishop of Quebec was poor; and, while so expressing himself, he looked to obtain the interest of the bishop, to be exercised in the choice of representatives in the assembly. Mgr. Plessis, on his side, clearly formulated what he conceived to be indispensable to the office he would some day hold.

He asked that the Roman catholic bishop should be created a corporation and distinguished from the protestant bishop; that he should appoint his *grand vicaires* and subordinates, with an ecclesiastical court for the government of the clergy; that he should have authority over the revenues of religious communities; have the power to regulate the fees of marriages, baptisms, etc.; to control the account of moneys expended for churches and parsonages; that he should retain the nomination of livings; that livings should be held during pleasure; that the bishop should have two coadjutors. The salary of the bishop to be £1,500, that of

each coadjutor £750 per annum; that the superintendence of protestant schools should be with the protestant bishop, that of the Roman catholic schools with their bishop; that the bishops should be empowered to erect parishes.

As these pretensions were detailed to Sewell, he explained the doubts regarding them as they struck his mind. These were sufficiently argumentative, but without sufficient weight, for they were simply his own opinions. *

In July, previous to his departure, Milnes sent to lord Hobart a petition to the crown from Mgr. Denaut, praying that instructions be given that he and his successors be recognised civilly as bishops of the Roman catholic church of Quebec, to enjoy the prerogative rights and temporal emoluments that the king would graciously attach to the dignity.

Milnes, when forwarding the letter, pointed out that Mgr. Denaut described himself as a bishop of the Roman catholic church, praying to be formally acknowledged as the bishop of Quebec. Since the conquest, the official title laid down in the instructions went no higher than superintendent of the Romish church, but the courtesy of addressing the bishop as "Monseigneur" had always been observed. The question raised by bishop Denaut was that it should be given as a right.

In order to bring the narrative to a close, I must somewhat anticipate events. Milnes left for England in August, 1805, leaving Mr. Dunn administrator of the government. Bishop Denaut died on the 18th of January, 1806.

Great influence was brought to bear on Dunn, to prevent him acknowledging Mgr. Plessis as bishop of Quebec. Ryland relates that he suggested to Dunn that he should confer with the attorney-general, and that the opinion Dunn received was in accordance with the view he had himself expressed: that no steps should be taken until the king's pleasure was known.

* These two letters, of the 20th of April and May, 1805, are published in the report of Archives for 1892, pp. 23–29. The former is also given in the Ryland papers, in volume VI. of Christie. A comparison between the two shews that some words and whole sentences are not included in the official report; conveying the idea that the report published by Ryland was the first draft subsequently modified, as it can be read in the official document.

At the same time he wrote to bishop Mountain, then in England, to obtain an order from the colonial office that no Roman catholic prelate should assume the title of bishop of Quebec. But this opposition effected no result. Dunn resolved that Mgr. Plessis should take the oath of allegiance as bishop of Quebec. The ceremony was performed on the 27th of January, 1806, his coadjutor, bishop Bernard Claude Panet, taking the oaths on the 8th of February.

It fell to the lot of Milnes to experience the self-assertion of Osgoode's character. The chief justice, from the inimical feeling he entertained towards judge de Bonne, officially brought his conduct before the lieutenant-governor. The inference arises that Osgoode's hostility was not entirely attributable to a sense of duty, but partly to anger that de Bonne had not supported him in the dispute with Prescott. In the first instance, he complained of de Bonne as having acted in violation of the proceedings of the court of appeal. His chief accusation, however, was in the interest of morality, that de Bonne had been engaged in an intrigue with the wife of a seignior. The case had come before the courts in an action for reparation, in the form of civil damages, and in a suit for *séparation de corps et de biens* on the part of the lady.* Osgoode's representation was forwarded by Prescott to Portland, that his majesty's pleasure might be known, with allusion to Osgoode's high character and the sense of his public service. Portland, in acknowledging the complaint, pointed out that before dismissing de Bonne, Milnes should inform himself with regard to the fact, so as to be able himself to express an opinion on the accusation.† Milnes, in answering, said he had difficulty in coming to a decision; the scandal was a matter of public notoriety, but it was not easy to determine the degree of private misconduct which should be considered to unfit a man for his public functions. He had called upon de Bonne for his exculpation, but none had been received. He wrote, likewise, relative to an additional

* [Can. Arch., Q. 83, p. 2 : Ib., p. 193, 12th of August, 1799.]

† [Can. Arch., Q. 83, p. 209, 3rd of December, 1799.]

memorial from Osgoode, in February, complaining of de Bonne's neglect in his attendance to his duties. De Bonne's reply was made in August, 1800, when he stated that a complaint of negligence, without signature, had been placed in his hands.* He should content himself with submitting the act which constituted the courts of justice, also the register of the courts, and would submit himself to impartial justice.

Milnes sent de Bonne's answer to London. It is evident that, in doing so, he regarded the proceedings taken by Osgoode as having their origin in the party spirit which had existed at the time of his own arrival. Milnes wrote that he had determined to avoid a public investigation, in order not to renew this state of feeling. The register of the courts was in de Bonne's favour, and his conduct had always been loyal.

The consequence of the non-dismissal of de Bonne, according to Osgoode's recommendation, led to his personal opposition to Milnes in the spirit he had shewn to Prescott, and cannot be set aside in the consideration of the difficulties which were experienced by Prescott during his government. Milnes wrote that he feared that unanimity † in the council had been destroyed, as he could no longer count on the co-operation of the chief justice. His own conduct had been conciliatory in the extreme, until Osgoode's manner had become wanting in respect. He had opposed a measure of importance respecting the court-house. This conduct had arisen owing to non-compliance with the demand of the dismissal of de Bonne. Osgoode's desire was to be the sole adviser of the government, that he should alone conduct the public business. He made it the cause of personal offence if other members were even listened to. It was not because Osgoode had withheld his dissent from the measure that he complained: it was the mode in which Osgoode had acted. He had thrown aside all decorum in his opposition

* [Can. Arch., Q. 86.1, p. 142, 26th March, 1801.]

† [Can. Arch., Q. 86.1, p. 142, 26th March, 1801.]

to the administration, to the great perplexity of the lieutenant-governor. With regard to de Bonne, his conduct was now perfectly satisfactory.

Osgoode shewed his antagonism on the passage of an act, in 1801, for the relief of the occupiers of the crown lands, upon which the *lods et ventes*, the mutation fees, were due. It authorised the appointment of commissioners with power to remit arrears and, in cases of immediate payment, to make a large reduction on the amounts due. Parties who had been present in the defence of Quebec in 1775–76 were forgiven the *lods et ventes* on property held at that time. As Milnes expressed himself, it was "a measure of sound policy and a material step towards the abolishing of the feudal tenure." It passed the house of assembly and the legislative council. Osgoode, however, thought, fit to protest, on the ground that the remission had not emanated from the clemency of the crown, and that the debtors would feel gratitude to the representatives in the legislature, not to the sovereign. A more childish piece of argument it was scarcely possible to conceive, for the measure would not have been introduced without permission of the crown, and it could only have become law by royal assent.

On another occasion an address of the house, asking for a statement of the immoveable property of the crown within the royal domain held *en roture*, with the report of the law officers, having the approbation of the lieutenant-governor, was referred to the council. The council agreed to a report acceding to the request. It was signed by Osgoode as chairman. He saw fit, however, to append a protest which may be briefly stated: that the demand had come from the house of assembly, and that the interference was irregular. The council immediately condemned the protest as out of place and improper, and recommended it be expunged. The matter was referred to Portland; he approved of the course of the council, but found means to justify Osgoode as acting from laudable motives. It is not a hazardous opinion,

to affiliate this view to the suggestions of the under secretary, King, a permanent colonial official.

Friendly as Portland always shewed himself to Osgoode, on the point of a protest being made he had to state that "not a single instance of a protest is to be found in the minutes of the privy council."

The previous year Osgoode had written to Portland, resigning his office. Portland had accepted the resignation, with the engagement to give him a pension of £800 a year, expressing a high appreciation of his services and the desire to make his acquaintance. But this arrangement did not immediately take effect, for in October, 1800, Osgoode thanked the king for his approbation, and added that, although desirous of returning to England, he would remain in Canada until next summer, as was desired.

In 1801, he left for England, still retaining his position as chief justice. In May, 1802, lord Hobart wrote Milnes that Osgoode had resigned with the receipt of the promised pension, to commence on the 1st of May; that Elmsley, the chief justice of Upper Canada, would succeed him, the salary to be £1,500 a year. Instructions were also given for Elmsley to be appointed to the executive and legislative councils. Further, that de Bonne was to be nominated to the executive and Williams to the legislative council. De Bonne was appointed member of the council on the 16th of June, 1802. Elmsley's appointment called forth an expression of satisfaction on the part of Milnes.* The new chief justice arrived in Quebec at the end of October, 1801. He held the position but three years and some months; in February, 1805, Milnes wrote that Elmsley was so ill that a meeting to transact some necessary business had been held at his house. In April, he was granted leave of absence, owing to the state of his health. So little fear was entertained of a fatal result that Milnes on announcing the fact expressed the hope that he would return before his own departure. Elmsley must

* [Can. Arch., Q. 89, p. 2, 31st of May: p. 105, 16th of August, 1802.]

have sunk rapidly, for he died on the 29th of the month, at the early age of forty-two.*

The salary of Monk, chief justice of Montreal, was also increased to £1,100.

The second provincial parliament closed with the session of 1800. New writs having been issued, the third parliament met in January, 1801. Panet was again chosen speaker. It was prorogued on the 8th of April. The public accounts shewed the revenue of the province to be £27,166, of which £17,120 was available towards the expenses of the civil government, which amounted to £33,831. The complaint of the insufficiency of the payment of judges had been met by a despatch of the duke of Portland, increasing the amount of their stipend from $2,000 to $3,000; the judge at Three Rivers receiving $2,000 in lieu of $1,500.

In 1804, a military execution took place at Quebec, under circumstances of exceptional occurrence. Seven men were shot with all the ceremony of military punishment, to deter the soldiers from crime in the future. The unhappy men were a sergeant, a corporal and two men of the 49th, and three deserters, of the 6th, 41st and 49th regiments. A conspiracy had been formed in the wing of the 49th regiment quartered at fort George, Niagara, under the command of the lieutenant-colonel Sheaffe. The commanding officer was the celebrated Brock, who at this date had commenced his career in Canada, which was in the future to prove so distinguished. He had arrived in 1802. While Brock exercised his command with strictness, his discipline was tempered by reason and justice. Moreover, he possessed that quality which the French call *camaraderie*, so little acted upon in the British army, that it admits of no equivalent in our language, but nevertheless has always been found with really great soldiers. The secret of Brock's influence was that he cared for his men, and that they felt that such was his guiding principle. Thus he obtained their confidence and esteem.

* [Can. Arch., Q. 97, p. 37, 14th of February; p. 112, 12th of April; 13th of May, p. 130.

Sheaffe, who commanded at Niagara, is reported to have been severe, and exacting to an extreme. He harassed the men on trifles in which discipline really was not involved; and he followed the harsh treatment which, as a principle, had become prevalent in the service. Desertions from every regiment consequently became of frequent occurrence. Independently of these evil influences, there were men ever present from the United States who felt that it was patriotism to tell the soldier how easy it would be to cross the line; that he could earn good wages and live freely and happily "on the other side." Moreover, if he wished to live a soldier's life, that better pay and allowances could be obtained in the United States army, with more liberty and less constraint.

Some men had previously endeavoured to desert from York (Toronto), but they had been followed by an armed party in a *bateau*. They were seven in number, with a corporal of the 41st. The officer in command of the party sent in pursuit really landed in United States territory, seized the men there, made the whole party prisoners, and brought them back to Toronto. The fact was not known at the time, or the United States authorities would certainly have resented this violation of their territory and insisted on the return of the prisoners: a demand that could not have been evaded.

Soon after the capture of these deserters, at the time confined at Niagara, a conspiracy was discovered in the 49th detachment. The design was to seize the officers, confine them in the cells in which several prisoners were placed, including the deserters named, and, with all who would accompany them, march armed to Queenston, seven miles distant, and cross by the ferry to the United States. It has been supposed that, had the plan succeeded, Sheaffe's life would have been taken. He disliked flogging; but, with this exception, his command, by all accounts, was painfully strained and bore heavily upon the men.

It is said of colonel Sheaffe that this event changed his character, and that he became a different man in the regi-

ment. On the discovery of the intended mutiny, intelligence was sent to Brock, who crossed over immediately from Toronto to Niagara. With judgment and firmness he arrested the ringleaders, known as the plot had been revealed. The prisoners, twenty in number, twelve being implicated in the conspiracy and the eight deserters lately taken, were sent to Quebec. They were tried by a general court-martial, the sergeant, corporal and two of the leading actors in the mutiny were sentenced to be shot with three deserters.

The execution took place on the 2nd of March, 1804, at half-past ten o'clock in the morning, The day was cold and gloomy, with a sharp easterly wind, and the snow drifted continually to make the dreariness of the day more intense. The whole garrison was paraded, the Royal artillery with field pieces, the 6th, the 41st, and the entire staff. The seven coffins preceded the armed escort guarding the prisoners, attended by four Roman catholic priests, and the Rev. Mr. Mountain, to administer what comfort was possible to those about to suffer the extreme sentence of the law.

In spite of the severe weather, the prisoners were kept three-quarters of an hour kneeling on their coffins, engaged in prayer. The firing party consisted of fifty-six, in three divisions. The order had been given to advance within eight yards, and then deliver their fire. From nervousness and excitement, one of the parties commenced firing at fifty yards. The order of the sergeant had been misunderstood. The unhappy prisoners fell partially wounded. The men, who had been ordered to reserve their fire, were then marched up, and discharged their pieces in the breasts of the wounded men, so by death they were relieved from pain. What made the execution the more painful was that those who suffered had fought gallantly at Copenhagen and in Holland. They met their death with firmness, it would seem, not without sympathy. Those were the days of the most terrible punishments, as if discipline could be maintained only by denying men every indulgence, and by punishing ordinary military crimes with frightful severity.

Brock was ordered to take command at fort George. By the wise and patient exercise of authority, in no long time dissatisfaction vanished from the ranks and desertions ceased. Indeed, he lost no men during his command in Canada. The first desertions from York (Toronto) appear to have arisen from the bad influence of a corporal of the 41st, one of those shot on the 2nd of March. He had worked upon the men to accompany him across the lines, by the promise of future well-doing and by dwelling upon the facility with which the end could be gained.

In 1805, the first attempt was made to improve the Lachine rapids. The sum of $4,000 was voted to be expended in removing any obstacles to navigation. It is scarcely necessary to add that the attempt proved futile. It had, however, the advantage of making perfectly plain that the only means of overcoming these rapids was by the construction of the Lachine canal. The necessity of such a work, owing to increased intercourse with Upper Canada, was obtaining more general recognition; but some few years were to elapse before definite steps were taken to carry the project into effect. The proceedings of 1805 are worthy of record, as the first practical attempt at any improvement of the navigation at this spot.

In December, 1803, Milnes applied for leave and asked that his salary should be continued when absent. In August, 1804, he received a reply that his application was granted; but that he was to be prepared to return to Canada in one of the earliest ships in the ensuing spring. In October he again addressed lord Camden, excusing himself for having been unable to answer certain queries propounded to him, owing to a severe bilious fever he had contracted in the West Indies, which was increasing in violence. He would suffer severely if he did not receive the indulgence his health required. He trusted to leave in the frigate which, in the spring, would convoy the fleet.

It was not until the 5th of August, 1805, that Milnes

embarked in the "Uranie" for England, transferring the government to Mr. Thomas Dunn to act as administrator.

Milnes does not bear the reputation of having been popular personally, and is described as having possessed only ordinary ability. Christie, who as I have remarked may be considered as expressing the opinions held in Quebec in his day, states "he may be ranked as an easy, well meaning man with talents scarcely above mediocrity, of no self confidence whatever, and consequently easily influenced by the irresponsibles about him, to whom he looked for advice." Christie wrote when there had arisen a strong feeling against the intervention of the colonial office in Canadian affairs, and in his desire to attack the system he speaks depreciatingly of the individual who represented it. This view has crept into the histories which have been written; I cannot recognise that it is just. There is one sure test to apply to the consideration of this verdict. What proceeding on Milnes' part is on record to justify it? The time gave little opportunity for any independence of action, as control over every department was exercised in London. As seen in the case of Dorchester, any act of statesmanship called forth by the spur of necessity was subjected to the criticism that Dorchester received at the hand of Dundas. Milnes, too, had not at his command the resources of rank and wealth. There was in his day no brilliancy in government house, no renown gained from its hospitality. He was known to be poor, with a family not well provided for,* and in such cases there is ordinarily little generous entertainment to soften down political asperities, and the hospitality is mostly official, as a matter of custom, and not celebrated for splendour. The despatches which bear his name shew clearly that he possessed capacity. He had evinced considerable ability in finance in the West Indies, and his administration in Canada had increased the revenue of the province. He

* One cannot but remember the remark of Talleyrand, although in a different sense, "Ces pères de famille sont capables de tout."

certainly avoided all censure and blame. That he was not the puppet of those around him is plain from his resentment of the bad manners and factious proceeding on the part of Osgoode. Possibly the best epitaph to his memory is the Horatian line,

"Nec vixit male qui natus moriensque fefellit." *

* "Nor has he lived discreditably who in life and death escaped notice." Ep. I., xvii., 10.

CHAPTER IV.

Mr. Thomas Dunn assumed office on the departure of Milnes on the 4th of August, 1805, by virtue of his position as senior executive councillor and having been selected for the duty. He had been many years in Canada. From his epitaph in the Quebec cathedral, he was a native of Durham and was born in 1731. He had arrived shortly after the conquest and engaged in mercantile life. Subsequently he became one of the judges of the court of Queen's bench. He had been selected by Carleton as one of the legislative council in 1775, the first meeting of which had been disturbed by the news of Montgomery's invasion.* Thus he had been in political life thirty years. He was held in great esteem and respect, and in some trying circumstances shewed judgment and capacity. †

The assembly met on the 22nd of February, 1806. Dunn's first duty was to congratulate the members on the remarkable naval action of Trafalgar, unparalleled in history. The British fleet, with twenty-seven ships of the line, had met the combined fleets of France and Spain, consisting of thirty-three ships of the line, four frigates and two brigs. Of these nineteen were taken or destroyed, the French admiral, Villeneuve, was made prisoner, the Spanish admiral, Gravina, wounded, and what cast a national gloom, which may be said is felt to this hour, the great admiral was killed when victory was assured. ‡

* [Ante., Vol. V., p. 422.]

† On leaving Canada, Milnes described him "as a gentleman of the most highly respected character, and whose long and intimate acquaintance with public business and the affairs of the province will, I am persuaded, enable him to execute this trust, with honour to himself, and advantage to his majesty's service." [Can. Arch., Q. 98, p. 175, 4th of August, 1805.]

‡ There is a passage of Nelson's life, when at Quebec, thus recorded by

What added lustre to the contest on the 4th of November, four French line of battle ships which had escaped from Trafalgar were taken by Sir R. Strachan off cape Ortegal in Gallicia, in the north of the peninsula.

The gaols act, passed in the parliament of 1805, had caused much dissatisfaction among the mercantile community. The object was to impose import and other duties for the erection of gaols at Quebec and Montreal. An auction duty of two and a half per cent was levied, with a tax on tea, varying from twopence to sixpence a pound, likewise threepence a

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Southey: "At Quebec, Nelson [then captain of the 'Albemarle,' of 28 guns] became acquainted with Alexander Davidson, by whose interference he was prevented from making what would have been called an imprudent marriage. The 'Albemarle' was about to leave the station, the captain had taken leave of his friends and was going down the river to the place of anchorage, when the next morning, as Davidson was walking along the beach, to his surprise he saw Nelson coming back in his boat. Upon enquiring the cause of his reappearance, Nelson took his arm to walk towards the town, and told him he found it utterly impossible to leave Quebec, without again seeing the woman whose society had contributed so much to his happiness and offering her his hand. 'If you do,' said his friend, 'your utter ruin must inevitably follow!" 'Then let it follow,' cried Nelson, 'for I am resolved to do it.' 'And I am resolved,' replied Davidson, 'you shall not!' Nelson, however, on this occasion was less resolute than his friend, and suffered himself to be led back to the boat." [Southey's Life of Nelson, chap. I.]

Tradition states, the lady who in 1782 won Nelson's heart was Mary Simpson, grand-niece of sergeant Miles Prentice, who kept either Freemasons-hall or *le Chien d'Or* as an inn. There has been much romance about this old building, long since pulled down, but the inscription which gave it its name is still preserved in the wall of the post office. There are few passages in connection with it which appeal more to our imagination than this recorded incident. I must confess that I am not a believer in the romantic legends of the *Chien d'Or* which appeal to our credence, for I could never find any authentication for them.

Alexander Davidson was, with his brother George, engaged as a merchant and ship-owner in the Canadian trade. He was a member of the council of Quebec in 1784. His name appears in a letter to Haldimand, dated London, the 28th of December, 1790, relative to the king's posts, which he held by grant to himself and Mr. Baby.

After the battle of the Nile, he was appointed by Nelson his prize agent. On the 9th of December, 1808, he was prosecuted before lord Ellenborough for illegally receiving commission on goods supplied by himself to the government as merchant, and was ordered to repay £8,883 13s. 1d., and sentenced to be imprisoned twenty-one calendar months.

gallon on spirits, and twopence on molasses and syrup. The mercantile community protested against the tax as directed against commerce alone, and maintained that, owing to the application of the money to the construction of gaols, it should be obtained from the general population; thus, the possessors of land should also contribute.

The subject was warmly taken up at Montreal, and, among the demonstrations, the Montreal *Gazette* reported a dinner which took place at Dillon's tavern. On this occasion several toasts were given, which the house of assembly thought fit to regard as reflecting upon the character of the legislature. Owing to the prorogation of the house, no steps were taken; but, during the session of 1806, the matter was brought before the house, as a false, scandalous, and malicious libel, highly and unjustly reflecting upon his majesty's representative and both houses of the provincial parliament. The committee to whom the subject was referred declared Mr. Isaac Tod, a merchant of Montreal, who presided at the dinner, also the printer of the *Gazette*, who published the proceedings, to have been "guilty of a high breach of the privileges of the house." They were ordered to be taken into custody. On the arrival of the sergeant-at-arms for their arrest at Montreal, he found them absent, and so the matter ended. *

* The following were the toasts on the occasion. They shew rather the extraordinary character entertained by the house of its privileges, than its wisdom in asserting them. "The honourable members of the legislative council who were friendly to constitutional taxation, as proposed by our worthy members in the house of assembly." "Our representatives in provincial parliament who proposed a constitutional and proper mode of taxation for building gaols: and who opposed a tax on commerce for that purpose as contrary to the sound practice of the parent state." "May our representatives be actuated by a patriotic spirit, for the good of the province as dependent on the British empire, and be divested of local prejudices." "Prosperity to agriculture and commerce, and may they aid each other, as their true interest dictates, by sharing a due proportion of advantages and burdens." "The city and county of Montreal, and the grand juries of the district who recommended local assessments for local purposes." "May the city of Montreal be enabled to support a newspaper, though deprived of its natural and useful advantages, apparently for the benefit of an *individual* (sic)." "May the commercial interest of this province have its due influence on the administration of its government." [Christie, history of Canada, vol. I., p. 239.]

The Quebec *Mercury*, which had been established in 1805 as a weekly paper, in advocacy of commercial interests, and as the more immediate organ of the English speaking community of the city, made some remarks on the proceeding, temperate enough, but which also awoke the anger of the assembly. The paragraph in question simply remarked that the proceedings might "give rise to unpleasant investigation of the rights and powers of the house." There were also some allusions to Napoleon's despotism over the press, and the hope that French influence would never extend to Canada.

The objectionable criticism was brought before the house with the request that the passages should be read. The speaker, however, refused to admit the entry in the journals of any complaint, otherwise than by motion. It was accordingly moved that a complaint be made that the editor of the *Mercury* had "undertaken to render an account of the proceedings of the house." The motion was carried, and it was directed that Mr. Cary be taken into custody. As Mr. Cary, the editor, by petition expressed his regret that he had incurred the displeasure of the assembly, he was released and the matter ended.

This petty incident, which scarcely calls for record, shews the theory entertained by the assembly of its powers. Any published report of the proceedings of the house constituted a misdemeanour; thus the journalism of modern times had no recognition, except as a chronicle of passing events. At this date, the sentiment which in no long time afterwards became prevalent of French Canadian nationality, if entertained, had not shewn itself. The quarrel which arose was between the interests of commerce and agriculture. It was argued on one side that the construction and support of gaols was a common duty; that the funds necessary to build and maintain them should be generally contributed, and a land tax was the most equitable means of obtaining the amount necessary. On the other side it was said that the value of land was unequal, and to institute a tax

according to its value was an expensive mode of proceeding and one likely to lead to litigation. Moreover, that by the enforcement of this principle the towns would be practically exempt; that the tax on imported articles was more easily levied and more just. To this it was replied that the imported articles were only in a trifling degree consumed in the country parishes, and the expenditure fell entirely upon the towns.

The consequence of this diversity of view, which gave rise to much bad feeling, led to efforts on the part of the opponents of the bill to induce the home ministry to advise the king to disallow the act. The knowledge of this determination caused a motion to be made in the house for a committee to draft a petition to the king to assent to the act, and to prepare a memorial explanatory of the causes which led to the course resorted to being preferred. It was met by an amendment that the house should recommend the act be not allowed. In a thin house of nineteen, the motion was carried by thirteen to six.

A curious incident took place when the address was placed in the hands of the lieutenant-governor. By an oversight, no previous official notice, as is customary, had been given to the lieutenant-governor; so in receiving it he replied that, not having until that moment had communication with the address and memorial, he could only say that they might depend on their submission to his majesty, "unless on a deliberate perusal thereof, any part should appear to be exceptionable, in which case I shall acquaint you therewith by message on Monday next."

This speech gave rise to some irritation in the house, and a motion was made to take it in consideration. A debate ensued, but it was terminated owing to a want of quorum. The act was allowed.

In November, 1806, *Le Canadien* appeared, written entirely in French. It has been claimed that the publication of this journal constituted an era in the history of journalism. In one sense it may be so considered, for it

was the commencement of the effort to create the enmity of race, which ended in the abortive rebellion of 1837. At the date of its appearance there was no such antagonism. The conductors of the journal simply claimed the freedom of a British subject as the right of the Canadian.* They likewise undertook that nothing should appear at variance with religion, morality, or the interests of the state.†

The paper was started by subscription, a small press having been obtained. One avowed object was the vindication of the French Canadian character from what was considered to be the unfair attacks made against it. The motto selected as representative of the principles to be acted upon was "*Nos institutions, notre langue, et nos lois.*" None knew better than its writers the impossibility of living under institutions controlled by the will of the French intendant. The cry, however, had its uses; it was an appeal to the patriotism of the *habitant* without education or political knowledge, and suggested a wrong suffered or threatened. As this history shews, there had been, as far as possible, full consideration shewn to the ancient laws; the language had received recognition in the house; while the whole French Canadian population in the entire province could not have exceeded 130,000 in a total of 160,000, about three-fourths of the present population of Montreal. The writing in the *Canadien* is not marked by any particular ability; it advocated no policy of change or advancement. In view of the political opinions expressed, its tone was on all occasions in opposition to the policy of the government, and antagonistic to commercial interests, in its advocacy of the pre-eminence of agriculture. What was really offensive on the part of the conductors was their continual readiness to create or to awaken national antipathies. Until the rancour which was introduced in these columns, there was no French Canadian party as such. It was this newspaper

* "La liberté d'un Anglais qui est à présent celle d'un Canadien."

† "Rien de contraire à la religion, aux bonnes moeurs ou à l'intérêt de l'état."

which first paraded an opposition to all it considered as British sentiment. The emigration, so systematically and perseveringly sought in modern times, was decried. The British immigrants who were entering a British province were described as strangers and intruders.* The inimical feeling was extended to every proceeding in any way sustained by British sentiment, and, that nothing should be wanting in the dissemination of this bitterness, we read the appeal to French Canadian jealousy. "In the ministerial dictionary a bad fellow, anti-ministerial, democrat, *sans culotte*, and damned Canadian mean the same thing."†

It is not possible to say that the French Canadians received no provocation to lead to this incitement to angry feelings. The mistake they made was that they considered they were alone the sufferers, whereas British Canadians had equal cause of discontent. The French Canadians, however, from difference of language and of religion, kept themselves aloof from the English-speaking inhabitants. At this early date there was but little recognition of the Irish catholic as an English-speaking co-religionist. English was spoken but by few in the cities. In the parishes it was never heard but from a stranger. The higher ranks of French Canadians have always taken a leading place in general society; as a class they knew English well, and their manners, mode of life and habits were English. Naturally, they sought companionship where their own agreeable address, and the charm of manner of French Canadian womanhood always received a welcome, independently of that which they might claim by birth and status. These families were but few and have now their representatives. The Duchesnays, the de Lérys, Taschereaus, de Lotbinières, de Salaberys, the de Bouchervilles, with some others, were found in the first social rank. There is, however, a current belief that after all that has been said on the subject, they preferred the gay, *dégagé*, more unrestrained

* "étrangers et intrus."

† "Dans le dictionnaire ministériel, mauvais sujet, anti-ministeriel democrat, sans culotte, damné Canadien, veulent dire la même chose."

manners of their own set, to the grim pomposity of the British officials at the head of political life.

It is to these functionaries, assured of their social status, that much of the mischief was due. Appointed by the home government, they were settled in their positions for life, irresponsible to the legislative assembly and to Canadian public opinion; thus, they looked only to the approbation of the colonial office. Most of them had arrived in the province as office holders, and landed with a sense of conscious superiority and of official importance which they never lost. Their theory was that Canada was to be ruled from London, and that the view there of what was politically expedient should alone prevail. All office and emolument was retained in their own hands, or in those of their relatives and *protégés*. Neither French nor British Canadian out of their set could obtain recognition. There was likewise the unwelcome contingency that those holding subordinate offices were liable to arbitrary dismissal, on any unfavourable view of their conduct by government house; and appointments were being constantly given in London to men whose first appearance in Canada was to assume office.

Socially, they visited only among themselves, reciprocating patronage and admitting into their charmed circle the superior officers of the garrison. The superciliousness of the women belonging to this official clique has come down to modern times as a tradition to be wondered at. This pretentiousness was as offensive to the British as to the French Canadian.

But the new subjects could not, or would not, make common cause with the old. The grievance that was a trouble to the French Canadians pressed upon them in a different way, and they resented it unwisely. The anger felt against the arrogant official class, that in modern times can find no defenders, was directed against British institutions and sentiment, indeed, against the whole British race. I will hazard the remark that at this early time the French Canadian was more English than he knew, perhaps more than he cared to admit. To this hour he has no deep sympathy with a

Frenchman. His tone of thought, his mode of life, his social theories, his likes and dislikes, are in no way in accord with the sentiment of modern France. The Frenchman has always been, and will always remain, a foreigner to the French Canadian. The Briton, with all his doggedness, his prejudices, and often his rudeness, even when to this is added an ignorance of French, may meet a French Canadian, with his special theories of life and speaking only his own language; but in a certain way the two are able to come together as comrades and friends. There is so much in which they are in accord. Had the French Canadian leaders of that time approached the British population, without this assumption of French Canadian nationality, then commencing to take form, a powerful party would have been created to obtain the changes of the constitution which have since been recognised to have been essential, and concerning which many of the English-speaking inhabitants were at one with them. The injudicious conduct of the writers of the *Canadien* rejected this element of possible strength. The fact is that they did not know what they themselves required, and their dissatisfaction took the form of abusing everything English. With the exception of the higher class I have named, they kept to themselves, forming a distinct society, avoiding intercourse with the British population, or reducing it to the narrowest limit, and constituting a community apart. The English-speaking members of the province were thus thrown into political sympathy with the office holders, for whom socially they had scant love, and whose habitual self-assertion they would willingly have seen curbed. Lord Durham destroyed this sorry condition of things, but it lasted for upwards of a quarter of a century, leading to great mistakes on both sides; with none more than with the French Canadians. Year by year, they alienated still more those who were their natural allies, while they themselves were impotent to obtain the better condition of things they desired. Finally, they plunged into excesses which no one of ability can fail to regret and wish had never happened.

Two generations have passed since this dreary condition of Canadian life was ended, but there are those living who can bear testimony to it and still think of those days with bitterness.

A few months before Dunn's retirement from his position the painful episode of the "Leopard" and "Chesapeake" took place. On the 21st of June, 1807, the "Leopard," commanded by captain Humphreys, acting under positive orders from admiral Berkeley, met the "Chesapeake" about fourteen miles from land off Chesapeake bay, under the command of commodore Barron, and demanded some British deserters who were on board. On Barron's refusal to allow any search, the "Leopard" fired a broadside into the "Chesapeake," and took the men by force. The "Chesapeake" reported that in the attack six men were killed and thirty-three wounded.

It is necessary here only to make allusion to the event, for sir James Craig arrived in the middle of October to assume the duties of governor, and the consequences which followed can be more appropriately related in the narrative of his government. One consequence, however, followed before Craig's arrival.

In August Dunn caused the militia to be ballotted for. The relations with the United States, before this unfortunate incident, had become extremely unsatisfactory, and continual apprehensions had been entertained during the summer that hostilities might arise. The tone of the United States press on the affair of the "Chesapeake" became most threatening; and there appeared little hope of any amicable adjustment. Indeed, it looked at one time as if the province would be invaded before reinforcements could arrive; a line of action sustained by the theory that a party in Canada was prepared to welcome the United States troops as deliverers from bondage. This absurd and offensive view is still persistently indulged in by a class of United States public men, certainly not the wisest. It can only be described as a groundless and impertinent folly.

In the contingency of their services being required for the defence of their homes, the militia were called out in the month of August, one-fifth to be prepared to march when and where required. The call was responded to with cheerfulness and in the best spirit. There was no holding back either by the French Canadians or the British. On the contrary, several volunteered their services. There was no plea on the part of young married men that they should be absolved from duty. The feeling thus awakened in the cities extended to the country parishes, and confidence was felt that in case of any painful exigency the country would be loyally and firmly defended.

So satisfactory was the result of this appeal that the administrator issued a general order making known his "warmest approbation" of the conduct of the militia, and that "it would be the highest happiness of his life, to lay before the king their zeal, loyalty and public spirit." *

Mgr. Plessis also issued a *mandement* on the occasion, written with his usual ability. He alluded to their obligation as French Canadians to defend their country. He pointed out how they enjoyed a liberal constitution on the model of the United Kingdom, and that their ancient laws of property had been preserved. He spoke of the readiness with which they had responded to the call of duty and patriotism, and that to have acted otherwise they would have been unworthy of the name of catholics and of Canadians; that they would have been forgetful of the orders of their church and of the example of their ancestors, if they had shewn disloyalty, or even indifference, in this appeal to their

* One passage of this general order may with propriety be here inserted: "The president also feels himself justified in asserting that a more ardent devotion to his Majesty's person and Government has never been witnessed in any part of the British dominions; and it is particularly to be remarked, that the idea of defending their own families, and their own property, has appeared in manner to have been absorbed in the minds of all descriptions of persons in this province, by the more general sentiment of coming forward in the cause of a justly beloved sovereign, and in support of a form of government which has been proved by experience to be the best calculated for promoting the happiness and securing the liberties of mankind." [Christie, Vol. I., p. 258.]

manhood. He directed a *Te Deum* to be sung; the psalm *Exaudiat* to be chanted, and to the end of the month the prayer *Deus refugium* to be recited. In connection with this *mandement*, he issued a circular letter, directing that the general order of the president and commander-in-chief should be read.*

Brock, who was then in command at Quebec, by his zeal and energy aided the administrator in his endeavours, and used all the resources at his disposal to make the ancient fortress, should it be attacked, impregnable.

* I append two of the paragraphs of the *mandement:* "Aussi, n'avez-vous attendu ni que cette province fut menacée d'une invasion prochaine, ni même que la guerre fut declarée, pour donner des preuves de votre zèle et de votre bonne volonté pour le service public. Au seul soupçon, aux premières apparences d'une rupture avec les Etats voisins, vous avez paru ce que, vous devez être, c'est-à-dire prêts à tout entreprendre et à tout sacrifier plutôt que de vous exposer à changer de gouvernement, et à perdre les avantages inestimables que vous assure votre situation presente. . .

"Partout du zèle, partout de l'empressement, partout des volontaires dont il a fallu réprimer l'ardeur pour ne pas excéder le nombre d'hommes demandé. [*Mandement*, III., p. 31.]

CHAPTER V.

The ten years of the history of Upper Canada between 1796 and 1806 do not offer any great field for comment. Indeed, our information regarding these years is less satisfactory than that of any other period. The fact is to some extent explicable by the changes in the head of the government, and the absence of private papers which are invaluable from the light they often throw on hidden motives and the occasional misrepresentations concerning men high in station. After the departure of Simcoe, Mr. Peter Russell became the administrator until the arrival of general Hunter as lieutenant-governor, in August, 1799. On his death, in August, 1805, Mr. Grant acted as administrator until sir Francis Gore took possession of the government in August, 1806.*

Peter Russell was originally in the army. He describes

* Mr. Russell's papers passed to his sister, Miss Elizabeth Russell; at her death they were left to the Baldwin family. Mr. Robert Baldwin, the distinguished liberal leader of half a century back, kept them in careful preservation. He died in 1858. Some short period afterwards these papers were deliberately burned. There can be little doubt that this act of vandalism was committed.

Mr. Grant's papers are likewise not to be found. They might possibly prove of little importance, as he was informed of Gore's appointment a few months after his entering upon his position as administrator.

Of general Hunter little is known, save the few words to his memory in the cathedral at Quebec; that he died on the 21st of August, 1805, aged 59. The epitaph states that the tablet is a memorial to a brother by John Hunter, M.D., of London. It has been assumed that his brother was the celebrated surgeon. Such, however, was not the case; a fact established by the investigations of lieutenant-governor Beverley Robinson of Ontario.

We are all familiar with the admirable series of portraits of the lieutenant-governors in government house, Toronto, the possession of which we owe to the energy and good taste of Mr. Robinson, when holding the position. They are copies of authentic family portraits, obtained by a long correspondence

himself as having served from the time of leaving the university of Cambridge in the days of George II., in civil and military employment, and that "the dangers and privations of neither war nor climate, of which he had experienced his share in the course of a long service," could slacken his attention to his duties or lessen his zeal. He had been secretary to sir Henry Clinton when in command during the American war, and by him had been brought to the notice of the ministry. *

Russell was the possessor of a great deal of land, and the circumstance of the grants being made from Peter Russell, administrator, to the same person as an individual, gave rise to the belief that he availed himself of his official position to deed himself land without authority. There is, however, no ground for this supposition, for he received authority to grant each executive councillor the total quantity of 6,000 acres, with the understanding that the donation was not to be considered a precedent.† One advantage Russell possessed, his office gave him the opportunity of learning the good locations, and doubtless he profited by it. He certainly possessed a large extent of land, which was advertised by him for sale, as the paper of the day shews.

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with the several families, carried on by him during his tenure of office with unwearied diligence. The province has but imperfectly testified its sense of the great historic service rendered by him on this occasion.

Sir Oliver Mowat deserves equal honourable mention. As premier he willingly gave the lieutenant-governor his cordial and effective assistance in the undertaking. It must be distinctly remembered that these portraits are well executed copies from undoubted originals, not of "christened" pictures of dubious worth. From this gallery, for such it may be called, the portrait of general Hunter is absent, although the greatest efforts were made by Mr. Robinson and his friends in England to supply the void. No information of any kind could be obtained regarding his family. There is likewise no knowledge of any papers left by him.

* Peter Russell to Hon. William Windham, 10th of September, 1806, Can. Arch., Q. 305, p. 167. According to Dr. Scadding ["Toronto of Old," p. 34] he was from a collateral branch of the family of the duke of Bedford. As a captain on half-pay, on his death in October, 1808, he was buried with military honours. [Ib., p. 340.]

† Can. Arch., Q. 284, p. 173. Portland to Russell, 5th of November, 1798.

Land, indeed, was the main object everywhere sought. Among the applicants was Arnold, who urged his application for a grant with unshrinking pertinacity. His claim was advocated by Cornwallis and Simcoe. There was some difficulty in his case, as personal settlement was exacted. Simcoe pointed out that he was extremely obnoxious to the U.E. loyalists, and suggested that his attendance should be dispensed with on account of his wounds. Arnold was finally allowed for himself and his family 14,600 acres. It was on this occasion that Simcoe declared that with proper and honourable support Upper Canada would prove the most valuable possession out of the British isles, in population, commerce and the principles of the British empire.*

Some lands, in 1798, were also granted to Count de Puisaye and some French royalists. They numbered originally forty, but finally only twenty-one remained in the township of Windham. De Puisaye had taken a prominent part against the French revolution, and had been present at Quiberon bay in 1795. He had there incurred the suspicion of his countrymen, Windham says unjustly. Some of the party of higher rank had joined with the belief that they were entering upon a military career in British America; the settler's rough life had little charm for them, so they severed their connection with the enterprise. De Puisaye himself finally returned to England to die in poverty in 1827.†

Russell, on assuming the government in 1796, made preparations to call the next parliament at York, in accordance with Simcoe's instructions. The chief justice, Elmsley, protested against making York in its condition the seat of government. There were no houses for residence, no place for meeting of the legislature, no court-house for holding the sessions, no gaol. There was no accommodation for senators or jurors. Those who attended must live in tents or be

* Can. Arch., Q. 285, p. 417, 26th of March, 1798. Ib. p. 423, 28th of March.

† This subject is fully entered into in the Archive Report of 1888, pp. 26–31. Appendix, pp. 73–87.

crowded in huts; he doubted if he would be able to form a jury. Russell, however, did not feel himself justified in abandoning the instructions he had received from Simcoe. He wrote to Portland, representing the views of Elmsley, and officially asked for delay in the removal, as he did not consider himself authorised to depart from the prescribed arrangement. As no instructions were received to the contrary, the legislature met for the first time in York, for the first session of the second parliament, on the 1st of June, 1797. The consequence was that all who had been included in the change of location and were living on their salaries suffered hardship and distress, judge Pownall wrote, to excite the compassion of any one who might witness it.

In October, Mr. Alcock, of Lincoln's Inn, subsequently chief justice, was appointed judge of the king's bench and arrived shortly afterwards in York. Russell himself at this date, although administrator of the government, was also sitting as a puisne judge. The chief justice strongly objected to his taking this course. It may be inferred that the practice was not continued, for Mr. Russell subsequently became receiver-general.

I have mentioned the threatening character of the intrigues of Adet's agents to engage the Indians in their interest that caused much anxiety to Russell. As he expressed himself, he did not know what tribes he could trust or those on whom he could rely, and Upper Canada was almost without troops. Brant likewise caused the government some uneasiness. He had put forth claims to the management of the lands on the Grand river, which had not been accepted; consequently, he had preferred a complaint against Russell to the British minister at Philadelphia, accusing him of trying to make a fortune out of the Indian lands for himself and his friends, and stating, if the matter were not taken from his control, it would never be settled. Russell, in answer to this complaint, wrote to Portland that, on the probability of an attack by the French and Spaniards, the council had determined to grant Brant's request. It was intimated to

him that he must give the names of the purchasers; that they must take the oath of allegiance and pay the fees. Brant was likewise informed that the lands had been given to the Indians for their security; and Russell offered, on the part of the crown, to accept the offer which had been made by the other parties. Brant's view was that the land belonged to the tribes to do with it as they saw fit, without interference. The proposition of Brant for the sale of the townships was eventually recognised, by which an amount of £5,000 was secured to the Indians.

Brant's conduct had, indeed, given rise to suspicion of his loyalty and good intentions. Portland wrote, should he desire to come to London, no obstacle should be thrown in his way; and he directed that vigilance should be exercised in observing what was passing between him and the Mississippi Indians, particularly those of the Fox and Wisconsin rivers.

Early in 1799, McKee, the deputy superintendent general, had died. Some twelve days before his death, he wrote his views on the defence of the province. He considered that there was little to be feared from the Indians of the United States, unless joined by people from Kentucky and the Ohio. But the communication to lake Michigan was easy by the Wisconsin. The route by the Illinois was not so advantageous. He proposed to call together the Indians from Michillimackinac and Saint Joseph early in spring and to send out scouting parties; and that an endeavour should be made to induce the Sakis and Foxes to resist the French. He pointed out the advantage of forming a treaty with the Sioux, the best of Indian warriors, all mounted, of whom 6,000 could be mustered. Likewise an attempt should be made to obtain the services of the Folles Avoines, placing them under British officers, and that all the Indians that could be mustered should be prepared to make a stand with the regulars.*

Brant, in a communication to Russell, expressed his

* [Can. Arch., Q. 286.1, p. 87, 25th January, 1799.]

satisfaction that no Indians were assembled on the Mississippi, and that no French troops were present to support any hostile attack. He had feared that the Indians might be induced to resent the treatment they had received, being left to fight the United States alone, and accept peace after having repeatedly defeated them. Much of the information sent by Brant was found to be unreliable, and his conduct gave ground for the necessity of caution in dealing with him.

In 1799 a road was completed from York to the bay of Quinté; and it could be stated that there was a passable highway through the province from Quebec to Sandwich.

On the 13th of July Hunter had arrived at Quebec. As has been said, he remained in Lower Canada until Prescott's departure; it was not until the 15th of August that he reached York, and assumed the government.

From the circumstance that Hunter was at the same time in chief command of the forces, he had frequently to be present at Quebec. His appointment as lieutenant-governor of Ontario, in connection with the performance of these military duties, was attended with inconvenience and was never repeated. To obviate any obstruction to carrying on the government, he nominated the chief justice, Russell and Grant to act in his absence as might be expedient. By these means the provincial business was transacted without interference or delay.

In the beginning of 1800 a fatal duel took place, in which the attorney-general, White, was killed by Small, clerk of the council. Small, having traced to White a report reflecting on the good reputation of Mrs. Small, asked for an explanation. The answer not being satisfactory, Small sent a message to the attorney-general. They met the following morning, the 3rd of January, when White received a serious wound in his side. He lingered in great pain until the evening of the 4th, when he died. Mr. Small surrendered himself to justice. It does not appear that any prosecution followed. White left a wife and large family. He

must have been much esteemed, for his family subsequently received a grant of 6,000 acres of land.

At this date the trade relations with the United States had considerably increased. The communication from Albany by the Mohawk as far as the present city of Rome, thence by the portage to the stream leading to lake Oneida and the Onondaga to Oswego, made lake Ontario accessible with but moderate effort. On the other hand, the ascent of the Saint Lawrence to lake Ontario, the only aid to navigation being the small canals, in the first instance constructed by Haldimand, was still attended by great impediments and difficulty.* Lake Ontario being reached at Oswego from the Hudson, the lake schooners without hindrance could carry freight in the ordinary way certainly to Prescott. Great advantage was found in an interchange of products, and by the end of the century the trade had assumed such dimensions that ports of entry were established at Cornwall, Johnstown (now Brockville), York and Niagara. Trade had also worked its way west of lake Erie; and Turkey point, Amherstburg and Sandwich were established on the same basis.

A letter of the celebrated sir Alexander Mackenzie, written in 1802, will be read with interest, as being the first allusion to the system of canals by which the navigation of the Saint Lawrence is assured. Attention had been drawn to the project of connecting Albany with lake Ontario by canal. The city of Hudson, some forty miles south of the city of Albany, on the river of that name, was the head of the navigation for square rigged vessels, whence schooners of eighty tons proceeded to Albany. The proposition was to construct locks so that the Mowawk could be ascended, and a canal made by which lake Ontario could be reached. The suggested improvement ran on the line of the present Erie and Oswego canals. Sir Alexander Mackenzie advocated the improvement of the Saint Lawrence, giving the opinion that the construction of only fourteen miles of canal was called for, and dwelling on the great advantages derivable

* [Ante., p. 21 et ult.]

from the work. General Hunter referred the letter to colonel Mann, of the Engineers. His report, however, threw no light on the subject, and its tone was more in opposition to than in encouragement of the project. Mackenzie's letter, however, is a proof that the requirements of the work were well known at this early period, although thirty-two years were to elapse before any steps were taken for the construction of the Cornwall canal, the first of the series undertaken.*

The population had steadily increased. In 1806 Bouchette estimated it to be 70,718.† No census was authoritatively taken until 1825, when the number given is 150,066, so, if not exact, the theory submitted at the earlier date cannot be much astray. These were not the days of statistics, but, as there was no particular view to be sustained by misrepre sentation of figures, a *consensus* of opinion on the point may be accepted approximately as the truth.

Hitherto there had been little question of any political rights. The population had been engaged in providing for the wants of existence. The early settlers, the U. E. loyalists, were for the most part living in comfort, many were rich and were filling the positions of magistrates and offices of trust. A good class of emigrants had likewise arrived from the north of Scotland, many from Ireland. Generally speaking, they were frugal, and by care and self-denial had placed themselves in comfort. There had been also an emigration from the United States, independently of the loyalists, of Dutch farmers from Pennsylvania, many of them Quakers and belonging to the agricultural population. These emigrants gave no ground for complaint; on the contrary, the majority proved industrious, orderly and a welcome addition to the province. But there were several who had come from the United States in the spirit of adventure; among them deserters from the Detroit and other garrisons. Such as

* In 1817, sir Francis Gore, as lieutenant-governor, in the opening speech of the session of the 2nd of February, pointed out that the water communication below Prescott deserved the serious attention of parliament. The Cornwall canal was not commenced before 1834.

† Vol. II., p. 235.

these had little reverence for British institutions. Nor were the manners and associations which they found in Canada to their taste; consequently, several were the propagandists of theories of personal independence and freedom from control not in accord with the principles on which the government was being conducted.

There had hitherto been no political agitation in the newly settled province. The small population had been intent on clearing and improving their farms, making the means of living easier, at the same time driving a profitable trade with their neighbours. The number of representatives in the legislature was sixteen. The maximum number of the council was nine. In the twenty years which had passed since the peace, the community had been too busy to consider any abstract theories of government. What was sought was substantial liberty of life, protection by law and the maintenance of order. The continual expectation of war with the United States until the settlement of the points in dispute by Jay's treaty, succeeded by the prospect of an attack by Indians of the Mississippi, fomented by Adet's agents, had led men to think more of the means of defending their hearths and families than of entering into the discussion of abstract political rights. Indeed, there was no ground for such argument, except on the question of personal liberty and undoubted wrong. The revenue was entirely insufficient to meet the expenses of civil government, and what was required to carry it on was supplemented from the imperial exchequer. Thus, there could be no attempt to check the expenditure of the executive by any vote of supply; and there was no public opinion to be appealed to, to effect the establishment of uncontrolled self-government.

The lieutenant-governor, consequently, in this condition of matters exercised great power, absolutely without opposition, except what might arise from the want of accord with members of the council. The turning point to a different political theory came after the days of Hunter. During the six years of his government, a spirit which declared itself on

his departure seems to have taken form. Hunter's own character was sufficiently self-asserting, and was formed on the sense of authority which as a general in command he had exercised. Little is known of his government. The one recollection of him in Toronto is that he granted the ground on which the market now stands and established a market day in 1803. He did not spare himself in the discharge of his duties; and he exacted attention to their obligations on the part of those men who occupied any official status. He introduced system and order into the government offices. The only mementoes of his government are to be found in the statute book. His very personality is unknown. It is said that he was of a family of respectability in Ayrshire and had been governor of Barbadoes. He was unmarried, or he was unaccompanied by a wife to Canada. Indeed, he remains scarcely a shadow amid the many public men of whom we possess such distinct portraitures.

We owe to him a description of Toronto, in 1804, when sending home an address of the legislature asking for aid in the construction of public buildings for parliament, for the courts of justice and for the general necessities of government. The annual appropriation of £400 had been voted. The sum was so inadequately small, he said, that it would defeat the object for which the vote had been made. There was not a single public building. The several offices had been established in private houses hired for the occasion. The executive met in a room in the clerk's house in which their discussions might be overheard. The houses of the legislature assembled in two rooms erected some nine years previously as a part of the building designed for government house. The courts of appeal, of King's bench, the district court and quarter sessions, all held their sittings in the same place. The mother country was asked to give some aid, owing to the knowledge obtained of the liberality shewn in enabling the people of Lower Canada to build court-houses in Quebec and Montreal, and of the generous assistance given in the construction of the Quebec cathedral. The inhabit-

ants of York did not ask aid in this respect; they had willingly contributed to erect a church, and it would be begun during the summer. The cost of the new buildings was estimated at nearly $80,000.

It is from the statute book we may learn that in 1798 Upper Canada was re-adjusted in its civil divisions. The districts established were the Eastern, Midland, Home, Newcastle, to be established by proclamation when expedient, Niagara, London and Western. In 1801, inspectors of flour and pot and pearl ashes were appointed; and an act was passed to prevent the sale of spirituous liquors to the Moravian Indians in the western districts. In 1803, a vote was carried to allow the members of the legislature two dollars a day while attending the house, from the period of leaving home until their return; the amount to be levied by assessment in the constituency they represented. In 1805, an act was also passed regulating the packing and inspection of beef and pork.

On Elmsley being appointed chief justice of Lower Canada in succession to Osgoode, Mr. Thomas Cochrane, chief justice of Prince Edward island, was nominated judge of the King's bench. Elmsley left York in October, 1802. Cochrane arrived in Canada either in the autumn of that year or in the following spring. In November, 1804, the government schooner the "Speedy" foundered some forty miles east of Toronto and was never heard of. Judge Cochrane, the solicitor-general Grey and other officials of the court, who were proceeding to the Newcastle district to hold the assize, were on board of her; twenty in all, including the crew, perished.*

During one of Hunter's visits to Quebec, caused by his duties as the officer commanding-in-chief, he was attacked by sickness. We have no account of his illness; it does not appear to have been of long duration. There is a letter from him to lord Camden, the 3rd of August, 1805, in which he

* [Can. Arch., Q. 299, p. 172, Hunter to Camden, 12th November, 1804.]

transmitted the abstract of grants of land during 1804, He died on the 21st of the month and was buried in the cathedral at Quebec. From the monument erected to his memory by his brother we learn that he was fifty-nine years of age.

The death of Hunter left Canada in a position seldom experienced, for the province was without a governor-in-chief and with no general in command. The senior officer, colonel B. Ford Bowes, of the 6th regiment, had, however, assumed the military authority. In Lower Canada the lieutenant-governor was absent and an administrator was at the head of affairs. There was no chief justice, Elmsley having lately died. In Upper Canada there was neither lieutenant-governor nor administrator, and provision had to be made for carrying on the government.

Russell called the council together, expecting that the office of administrator would be assigned to him. His mortification was great to find that by vote of the council Alexander Grant was chosen for that position. At the time of Simcoe's appointment Grant had been the one resident of Canada nominated to the council. He had met Simcoe on his arrival in Quebec,* when he is spoken of as commodore Grant.

Alexander Grant was the fourth son of the seventh laird of Glen Morriston, of Invernessshire. The family was Jacobite, the father having been "out" with the pretender in '45. Grant first served as a midshipman. In 1757 he was an officer in a highland regiment, and in 1759 was present in Amherst's ascent of lake Champlain. His naval experience caused him to be employed on one of the vessels built by Amherst at Ticonderoga. He was afterwards transferred to the west and was placed in command of the small fleet on the waters of the lakes from Niagara to Mackinaw, the headquarters of which were at Detroit, hence his title of commodore. Grant's residence was at Grosse point on lake Saint Clair, ten miles above Detroit. Although

* [Ante., p. 341.]

remaining a British subject, he continued to live at this spot until his death in 1813, frequently visiting Amherstburg and attending his legislative duties at York.*

It was during the short administration of Grant that the feeling of dissatisfaction which was creeping into public life first became manifest, and for the succeeding thirty years, in different forms, continued to trouble the peace of the province. The case is stated by Grant himself in a letter to lord Castlereagh.†

From the first establishment of the province until 1803 certain taxes levied in Upper Canada, together with the eighth part of the amount of duties collected at Quebec, had been left solely at the disposal of the legislature; but, in 1803, Hunter, without the authority of the house, charged against this sum certain disbursements made in the interest of the province. If any discontent was felt at this proceeding it was not expressed, and the system was continued during 1804 without any expression of want of consent. It was not pretended that the application of the moneys was not just and proper. There was no complaint on this score; the grievance was that the expenditure had been made without the consent of the house.

The strong hand of Hunter had been removed by death; otherwise, it is probable that no comment would have been made on the proceeding. Grant himself was without prestige to enforce his opinions; to use his own words, he did not feel himself at liberty, in his temporary situation, to discountenance what Hunter had authorised. The total amount of this sum was £617 13s. 7d.

One of the early proceedings of the house, which had met

* I am indebted for the above information to judge Woods, of Chatham, a grandson of Grant. There is a family tradition that Grant married a French Canadian of Detroit, he not speaking a word of French and the lady being as ignorant of English. A Boyer's French dictionary remains in the family, which was sent for from New York by Grant before the ceremony. Although he was married late in life, the offspring of the union was ten daughters and one son, all of whom married, except the youngest daughter.

† [Can. Arch., Q. 304, p. 10, 14th of March, 1806.]

on the 4th of February, 1806, was to address Grant on the subject, setting forth that the first and constitutional privilege of the commons had been violated in the application of moneys out of the provincial treasury without the assent of parliament or a vote of the commons.

The whole tone with regard to this trifling affair shewed a design to be troublesome. It is impossible to reject the impression that Mr. justice Thorpe, who became very prominent in this form a few years later, was at the bottom of the affair. After some very stilted sentences, the address asked that not only the money should be replaced, but directions also should be given that hereafter no moneys should be issued without the assent of parliament.* The address was dated the 1st of March, 1806.

Judge Powell, afterwards chief justice, has left a memorandum telling us that he was consulted in the matter and had been shewn the reply proposed, which he considered "weak and wavering." He recommended Grant to say that he had found the practice established and had followed it; that he would transmit the address to the king and, no doubt, orders would be sent to replace the money. At the same time, that he could not forbear submitting for the consideration of the members, if it would not be best for the dignity of the house to cover by a vote the expenditure admitted to be purely provincial, and, before they separated, to provide for similar contingences.

Mr. Grant did not take this course; he stated that the expenditure had been applied to useful and necessary provincial purposes; he would, however, direct the matter to be investigated, and if there was error he would take

* "To comment on this departure from constituted authority and fiscal establishment must be more than painful to all who appreciate the advantages of our happy constitution; and who wish the continuance to the latest posterity, but however studious we may be to refrain from Stricture, we cannot suppress the mixed emotion of our relative condition. We feel it as the representatives of a free people. We lament it as the subjects of a beneficent Sovereign, and we hope that you in your relations to both will more than sympathise in so extraordinary an occurrence." [Can. Archive Report, 1892, App., p. 33.]

measures to have it corrected and obviated for the time to come. After sending the message, on the 3rd of March he attended to prorogue the house. According to judge Powell, the door was barred against the usher when giving the notification. The house was, nevertheless, prorogued on that day.

Although this fact, from the insignificance of the interests involved, might be passed over with but few words, it assumes importance from having been the first in the series of political difficulties which henceforth were to be experienced in the province. It was the forerunner of the active opposition shewn in the assembly to the executive by a party inclined to discontent and anxious to find cause for the expression of the feeling. When we think of the population of 75,000 souls scattered over the entire province from the boundary line to Sandwich, some 450 miles, inhabiting a narrow fringe of the territory, except at localities where settlement extended a few miles to the north, it is impossible not to recognise the minor diversities of interest which presented themselves. Nevertheless, the main lines of policy called for by good government ran in the one direction. Hitherto there had been peace in the house of assembly. Its sixteen members had not been free from petty differences, but any such disagreement was short-lived and passed away without leaving any trace of discontent or bad feeling as its heritage. The reason is not difficult of explanation. Men were too much occupied in the struggle to live, to waste effort upon insignificant and unimportant observances. But a class had entered the province, the too frequent attendant of prosperity. Its members were desirous of gaining emolument on easy terms, and, by forcing themselves into notoriety and clamouring for political rights, sought to establish themselves in the public estimation. The best mode of destroying the power of the agitator is to take from him the weapons with which he can wage warfare. But the science of colonial government was then in its infancy. There was a dread of liberal

opinions, which led to unwise repression, and there was a failure to understand that true and genuine liberty is the best safeguard for law and order. It was a truth to be learned, not without much tribulation and sorrow, and was to call forth party rancour and personal enmity, the fires of which long vividly burned, only within the last quarter of a century to cease entirely to smoulder.

END OF VOLUME VII.

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